



RULE-MAKING ORDER

CR-103 (7/10/97)

(RCW 34.05.360)

Agency: Department of Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of adoption: November 21, 1997

(2) Purpose: The goals for the proposed amendments to Chapter 16-162 WAC clarify and strengthen the rules for organic meat and dairy production.

(3) Citation of existing rules affected by this order: Chapter 16-162 WAC

- Repealed: WAC 16-162-031, 032 and 033
- Amended: WAC 16-162-010, 025, 030, 050, 070 and 100
- Suspended:

(4) Statutory authority for adoption: Chapter 15.86 RCW
Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 97-20-078 on September 26, 1997 (date).
Describe any changes other than editing from proposed to adopted version: WAC 16-162-036(2)(b) adds language to clarify the minimum amount of inside and outside living space requirements and method of calculating space requirements. WAC 16-162-070(4) includes coccidiosis vaccination as a type of approved vaccination.

EMERGENCY RULE ONLY

Under 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:

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?:

- Yes
 - No
- If Yes, explain:

(6) Effective date of rule:

**Permanent Rules
or Expedited Repeal**

Emergency Rules

- 31 days after filing
- Other (specify) _____*
- Immediately
- Later (specify) _____

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

Name (Type or Print)
Jim Jesernig

Signature

Title
Director

Date
11/21/97

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

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**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	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

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

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	<u>6</u>	Amended	<u>6</u>	Repealed	<u>3</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>6</u>	Amended	<u>6</u>	Repealed	<u>3</u>
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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 92-11-001, filed 5/6/92, effective 6/6/92)

WAC 16-162-010 Purpose. (~~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 (the production) producers of organic (meat and dairy) animal products, including meat, dairy and eggs, pursuant to RCW 15.86.060.

AMENDATORY SECTION (Amending WSR 92-11-001, filed 5/6/92, effective 6/6/92)

WAC 16-162-025 Certification. All animal products marketed and/or labeled as organic must be produced by producers certified by the department or an official organic certifying agent recognized by the department. Producers of organic animal products seeking certification as an organic food producer may apply for certification under chapter 16-156 WAC.

AMENDATORY SECTION (Amending WSR 92-11-001, filed 5/6/92, effective 6/6/92)

WAC 16-162-030 Definitions. As used in this chapter:

(1) "Approved" means any material or practice which meets the required criteria or standards for use in the production of organic animal products.

(2) "Botanical pesticides" are pesticides derived from plant materials.

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

~~((3))~~ (4) "Director" means the director of the department of agriculture or his or her duly authorized representative.

~~((4) "Drug" means any chemical substance or noninfectious biological substance, which may be administered to or used on or for animals, as an aid in the diagnosis, treatment, or prevention of disease or other abnormal condition, for the relief of pain or suffering, to control or improve any physiological or pathological condition, or to affect the structure or function of the animal.)~~

(5) "Feed" means all edible materials which are consumed by livestock, including concentrates (grains, oilseed meals, fats and oils, vitamins and minerals) and forages (hay, straw, stover, silage, cobs, husks, hulls, pasture plants). The term "feed"

encompasses all edible agricultural commodities, including crops in pasture, which is ingested by livestock for nutritional purposes.

(6) "Feed additive" means a substance or combination of substances added to feed, or offered on free-choice basis for consumption by livestock to fulfill specific nutritional or physiological needs, e.g., minerals, amino acids, and vitamins.

(7) "Fertile" means any poultry animal product that is:

(a) Marketed using the term fertile or any derivative of fertile in its labeling or advertising; and

(b) A product of an animal that is in a flock of at least one rooster per twenty hens, and that incubating the eggs at a hatchery results in at least eighty percent of the eggs being fertile.

(8) "Material" means any substance or mixture of substances that is used internally or externally in the production of animals or animal products.

~~((6))~~ (9) "Organic animal product" means any animal product labeled and offered for sale with the words organic or any derivative of organic.

(10) "Organic feed" means feed produced and processed organically in accordance with Organic crop production standards, chapter 16-154 WAC and Standards for the certification of processors of organic food, chapter 16-158 WAC. Approved feed additives may be added to organic feed.

(11) "Organic pasture" means ground covered with vegetation, which is suitable for grazing and has been managed in accordance with Organic crop production standards, chapter 16-154 WAC, for at least thirty-six months.

(12) "Organic range" means ground covered with vegetation, which is suitable for grazing and has been managed in accordance with Organic crop production standards, chapter 16-154 WAC, for at least thirty-six months.

(13) "Prohibited" means any material or practice which is disallowed ~~((in))~~ by this chapter for the production of organic animal products.

~~((7)) "Recommended" means that the stated materials or practices are encouraged.~~

~~((8))~~ (14) "Remedy" means anything that relieves or cures a disease.

~~((9)) "Required" means any material or practice which must be used or followed for the production of organic animal products.~~

NEW SECTION

WAC 16-162-034 Meat from bovine animals, swine, lamb, sheep, and goat. Organic meat products produced from bovine animals, swine, lamb, sheep, and goat must meet the following criteria for at least twelve months prior to slaughter or, when slaughtered in less than twelve months from birth, from birth to slaughter. In addition, when animals are slaughtered in less than twelve months from birth, the animal's mother must meet the following criteria during the last third of gestation and while the slaughter animal is nursing:

- (1) Animal must be raised on one hundred percent organic feed;
- (2) Animals may not be administered hormones, antibiotics or synthetic parasiticides;
- (3) Animals must have fresh air, daylight and access to organic pasture or organic range; and
- (4) Animals may be kept in a feedlot for up to ninety days prior to slaughter as long as the animals have access to fresh air, daylight and are fed one hundred percent organic feed.

NEW SECTION

WAC 16-162-036 Poultry and poultry products. Organic poultry products must meet the following criteria:

- (1) Birds must be raised on one hundred percent organic feed from the time the animals are one day old;
- (2) Birds must be raised in either:
 - (a) A moveable pen management system which is moved on a daily basis and provides access to organic pasture or organic range; or
 - (b) A living space that provides a minimum of four square feet of living space per bird, (including both inside and outside areas), and access to the outside areas. Inside areas must provide a minimum of one and one-half square feet per bird and be sufficient to avoid stress such as cannibalism, nervousness and self-destructive behaviors such as feather picking, self-mutilation, and limb harrowing. Outside areas must provide a minimum of one and one-half square feet per bird. Minimum living space requirements are calculated for the size of an adult chicken with a mature body weight of five pounds and requirements for other poultry animals are calculated proportionately according to the size of the species;
- (3) Birds must be provided shade and dusting wallows and laying birds must also be provided nest boxes and perches;
- (4) Birds may not be administered hormones, antibiotics or synthetic parasiticides from one day old to slaughter;
- (5) Organic eggs are not required to be fertile.

NEW SECTION

WAC 16-162-037 Dairy products. Organic animal products produced from dairy animals must meet the following criteria:

- (1) Dairy animals must be raised on one hundred percent organic feed for ninety days prior to milk production and have access to only organic pasture for at least one year prior to organic milk production;
- (2) Dairy animals may not be administered synthetic parasiticides nor hormones for one year prior to organic milk production; and

(3) Dairy animals may not be administered antibiotics for ninety days prior to organic milk production.

NEW SECTION

WAC 16-162-040 Emergency feed. In situations of an organic feed shortage which results from emergency conditions (e.g., weather conditions, road closures, crop failures), the organic livestock producer may feed nonorganic feed to livestock for a limited period, provided that the organic feed shortage is temporary and unforeseeable due to emergency conditions beyond the producer's control and:

(1) The organic livestock producer must make every reasonable effort and maintain a record of every such effort to locate organically grown feed, using the following prioritization:

- (a) Certified organic feed;
- (b) Noncertified organic feed;
- (c) Feed from farms under organic management for two years;
- (d) Feed from farms under organic management for one year; and
- (e) Conventional feed;

(2) The organic livestock producer notifies the department and submits the organic feed supplier record (subsection (1) of this section) to the department prior to the feeding of nonorganic feed;

(3) The department verifies the emergency conditions (e.g., weather conditions, road closures, crop failures);

(4) The department reviews the situation to determine a maximum time period during which second year transitional organic feed, first year transitional organic feed, or conventional feed may be used;

(5) The livestock producer may not represent egg and dairy products as organic animal products during the time period the animals are fed conventional feed plus an extended time period equal to the time period that conventional feed was fed to the animals (e.g., organic feed unavailable for three days, no organic sales for six days); and

(6) The livestock producer may not represent meat products as organic animal products during the time period the animals are fed conventional feed plus an extended period of ninety days (e.g., organic feed unavailable for three days, no organic sales for ninety-three days).

NEW SECTION

WAC 16-162-045 Approved and prohibited feed additives. (1) The following list of feed additives are approved for adding to organic feed:

- (a) Amino acids (chelated or nonchelated);
- (b) Salt;
- (c) Minerals;

- (d) Vitamins;
- (e) Molasses;
- (f) Mineral oil;
- (g) Enzymes;
- (h) Fish meal and fish by-products.

(2) The following additives are prohibited for adding to organic feed:

- (a) Synthetic additives not approved in subsection (1) of this section;
- (b) Animal by-products including bloodmeal, and bonemeal except for fish meal and fish by-products;
- (c) Processed or unprocessed animal waste (manure); and
- (d) Feeding of plastic.

AMENDATORY SECTION (Amending WSR 92-11-001, filed 5/6/92, effective 6/6/92)

WAC 16-162-050 Living conditions. (1) ~~((Required-~~
~~(a)))~~ Organic livestock producers ~~((must provide, when appropriate,))~~ are required to provide the following living conditions for animals raised for organic meat, dairy and egg production:

(a) Organic producers must provide their animals with access to fresh air and daylight((-);

(b) Every animal must have enough room to get up, lie down, turn around, groom, and stretch its limbs.

~~((c) Stock facilities must be clean and sanitary.))~~

(2) Organic livestock producers are prohibited((-)) from practices that are contrary to humane treatment guidelines, good sanitation practices, and good animal health programs.

AMENDATORY SECTION (Amending WSR 92-11-001, filed 5/6/92, effective 6/6/92)

WAC 16-162-070 Disease ~~((prevention and control))~~ and pest management. In order for animals to be considered "organically produced" an organic disease and pest management program must be in place. An organic disease and pest management program includes an integrated approach to disease and pest management that stresses preventative control. The department shall restrict producers from using the terms "organic," or "organically produced" for producers without adequate organic disease and pest management programs. A proper herd health program should include strategies for disease prevention, parasite control, and disease treatment. Producers of organic animal products shall market only healthy animals and animal products, and shall never deny treatment to an animal in order that it may be labeled or sold as organic.

~~((1) The following practices are recommended:~~

~~(a) Quarantine and fecal exams for all incoming stock.~~

~~(b) Adequate pasture rotation and good pasture management.~~
~~(c) Maintaining and cleaning facilities regularly.~~
~~(d) Periodic fecal exams and the culling of seriously infested animals.~~

~~(e) Vector and intermediate host control.~~

~~(f) Biological control methods.~~

~~(g) Maintaining dusting wallows for poultry.~~

~~(2) The following) Approved and pest management materials ((or)) and practices are ((approved for use in the production of organic animal products)):~~

~~((a) Rotenone and pyrethrum)) (1) Approved botanical insecticides for external parasite control and for fly management, only if labeled for such use((-)):~~

~~((b)) (2) Natural materials used in homeopathic, naturopathic, and herbal remedies((-)):~~

~~((c)) (3) Tamed iodine, alcohol, and/or hydrogen peroxide as a disinfectant((-)):~~

~~((d)) (4) Vaccinations against endemic disease((-)) including coccidiosis vaccination;~~

~~((e)) (5) Sodium hypochlorite (bleach), for use on machinery and facilities((-)); and~~

~~((f)) (6) Steam sterilization of equipment.~~

~~((3) Prohibited materials and practices. The disease prevention and control materials and practices that are prohibited for use in the production of organic animal products includes but is not limited to the following:~~

~~(a) Administration of hormones or subtherapeutic levels of antibiotics.~~

~~(b) The use of synthetic internal parasiticides on a routine basis.~~

~~(c) Synthetic internal parasiticides used within twelve months of slaughter, milk production, or egg production.~~

~~(d) Antibiotics used within thirty days or twice the FDA withdrawal time, whichever is longer, in the production of organic milk.~~

~~(e) Antibiotics used within twelve months in the production of organic meat or eggs.)~~

AMENDATORY SECTION (Amending WSR 92-11-001, filed 5/6/92, effective 6/6/92)

WAC 16-162-100 Recordkeeping. (1) All organic stock must be ear tagged or individually marked with the exception of poultry, which may be identified by flock.

(2) ~~((Records must be kept of-))~~ Organic livestock producers must maintain the following records from birth or purchase of livestock animals and for two years after the sale of the organic animal products or slaughter of organic livestock:

(a) All ~~((medications))~~ disease and pest management materials administered ((+)) including dates administered, material type, dosages, and sources(+)):

(b) All pur chased feeds (~~((bought and fed))~~) including dates purchased, feed type, quantities purchased, sources, and a copy of organic certificates;

(c) (~~(All feed supplements used; and~~

~~(d) The))~~ Weight of slaughter animals at slaughter and weight of post-slaughter animal products; and

(d) Sales records of all organic animal products sold including dates, quantities and weights.

~~(3) ((All records must be kept from birth or purchase and for two years after sale or slaughter.~~

~~(4))~~ Receipts for stock and materials must be kept to insure a complete audit trail.

~~((5))~~ (4) Inadequate recordkeeping may constitute cause for the director to prohibit labeling or marketing animal products as "organic" or "organically produced."

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-162-031 "Organically produced meat."

WAC 16-162-032 "Organically produced milk."

WAC 16-162-033 "Organically produced eggs."