

WSR 23-09-036
EXPEDITED RULES
DEPARTMENT OF AGRICULTURE
[Filed April 14, 2023, 9:37 a.m.]

Title of Rule and Other Identifying Information: Chapter 16-157 WAC, Organic food standards and certification.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The Washington state department of agriculture (WSDA) is proposing to adopt the current version of the United States Department of Agriculture (USDA) organic regulations (7 C.F.R. Part 205).

The current rule adopts the March 30, 2022, version of the USDA organic regulations. This proposal updates the language to adopt the March 20, 2023, version of the federal regulation in order to remain consistent with the National Organic Program.

Reasons Supporting Proposal: Updating this chapter will ensure the rule remains compliant with RCW 15.86.060(1), which directs the director to adopt rules "... appropriate for the adoption of the national organic program." Further, this change will ensure compliance with RCW 15.86.065(3), which states the program "shall not be inconsistent with the requirements of the national organic program."

The department adopts these national standards for organically-produced agricultural products in order to remain uniform with the National Organic Program. These standards assure consumers that products with the USDA organic seal meet consistent, uniform standards that are in compliance with federal regulations.

Statutory Authority for Adoption: RCW 15.86.060(1), [15.86].065(3).

Statute Being Implemented: Chapter 15.86 RCW.

Rule is necessary because of federal law, [no further information supplied by agency].

Name of Proponent: WSDA, governmental.

Name of Agency Personnel Responsible for Drafting: Scott Rice, P.O. Box 42560, Olympia, WA 98504-2560, 360-359-3021; Implementation and Enforcement: Brenda Book, P.O. Box 42560, Olympia, WA 98504-2560, 360-902-2090.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: None.

This notice meets the following criteria to use the expedited adoption process for these rules:

Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: Adopting the current version of 7 C.F.R. Part 205 meets the criteria for expedited adoption under RCW 34.05.353 (1)(b) by adopting federal regulations.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Gloriann Robinson, Agency Rules Coordinator, WSDA, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1802, fax 360-902-2092, email WSDARulesComments@agr.wa.gov, AND RECEIVED BY June 20, 2023.

April 10, 2023
Luisa F. Castro
Assistant Director

OTS-4250.2

AMENDATORY SECTION (Amending WSR 22-15-010, filed 7/7/22, effective 8/7/22)

WAC 16-157-020 Adoption of the National Organic Program. The Washington state department of agriculture adopts the standards of the National Organic Program, 7 C.F.R. Part 205, effective March (~~30, 2022~~) 20, 2023, for the production and handling of organic crops, livestock, and processed agricultural products. The National Organic Program rules may be obtained from the department by emailing the organic program at organic@agr.wa.gov, by phone at 360-902-1805 or accessing the National Organic Program's website at <https://www.ams.usda.gov/rules-regulations/organic>.

[Statutory Authority: RCW 15.86.060(1), [15.86.]065(3), and [15.86.]065(4). WSR 22-15-010, § 16-157-020, filed 7/7/22, effective 8/7/22; WSR 21-21-027, § 16-157-020, filed 10/11/21, effective 11/11/21. Statutory Authority: RCW 15.86.060(1) and [15.86.]065(3). WSR 19-14-129, § 16-157-020, filed 7/3/19, effective 8/3/19. Statutory Authority: RCW 15.86.060 and 15.86.070. WSR 19-01-062, § 16-157-020, filed 12/14/18, effective 1/14/19. Statutory Authority: RCW 15.86.060(1), [15.86.]065(3) and chapter 34.05 RCW. WSR 18-03-154, § 16-157-020, filed 1/23/18, effective 2/23/18. Statutory Authority: Chapter 15.86 and 34.05 RCW. WSR 09-15-152, § 16-157-020, filed 7/21/09, effective 8/21/09. Statutory Authority: RCW 15.86.060 and 15.86.070. WSR 06-23-108, § 16-157-020, filed 11/17/06, effective 12/18/06. Statutory Authority: Chapters 15.86 and 34.05 RCW. WSR 04-24-015, § 16-157-020, filed 11/22/04, effective 12/23/04. Statutory Authority: Chapter 15.86 RCW. WSR 03-03-044, § 16-157-020, filed 1/10/03, effective 2/10/03; WSR 02-10-090, § 16-157-020, filed 4/29/02, effective 5/30/02.]