

SENATE BILL REPORT

SHB 2502

AS REPORTED BY COMMITTEE ON AGRICULTURE & WATER RESOURCES,
FEBRUARY 28, 1992

Brief Description: Changing provisions relating to organic agricultural products.

SPONSORS: House Committee on Agriculture & Rural Development (originally sponsored by Representatives R. Johnson, Chandler, McLean, Rayburn, Miller, Paris, Lisk, Spanel, Rasmussen and P. Johnson; by request of Department of Agriculture)

HOUSE COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT

SENATE COMMITTEE ON AGRICULTURE & WATER RESOURCES

Majority Report: Do pass as amended.

Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, and W. Hansen.

Staff: John Stuhlmiller (786-7446)

Hearing Dates: February 25, 1992; February 28, 1992

BACKGROUND:

The state's organic food laws prohibit a producer or vendor from selling or offering for sale any food product as organic if the producer or vendor knows or has reason to know that the food was produced with: any fertilizers other than manure or other natural fertilizers; certain substances manufactured by humans; or similar substances prohibited by the Director of the Department of Agriculture by rule. Prohibited pesticides must not have been used in the production of an organic food product for three years before the harvest of the product and prohibited fertilizers must not have been used for two years before that harvest. Other products may be labeled as being in their first or second year of transition to organic.

Producers must provide documentation to vendors when selling products represented as being organically produced. Organic products from out of state must be accompanied by a certificate from the state of origin indicating that the products satisfy this state's standards. The Department of Agriculture is authorized to establish a certification program for producers and processors of organic and transition to organic products on a fee-for-service basis.

SUMMARY:

The state's organic food laws are expanded to include any agricultural product which is organically produced, not just food products.

To be labeled, sold, or represented as an organic agricultural product, the product must be produced only with materials approved under the organic food laws. It is unlawful for a person to sell, offer for sale or process an agricultural product with an organic label unless the person is certified by the Department of Agriculture or a certifying agent recognized by the director. This certification requirement does not apply to final retailers that do not process organic food products or to individuals whose annual sales of the products are no more than \$5,000. The state's certification program is expanded to include the certification of vendors.

The department must keep confidential any business-related information provided under the organic food laws. However, applications for certification and laboratory analyses are available for public inspection.

Organic agricultural products must be labelled as being organic on all invoices, boxes, bins, and other packing and documentation for the product. All such products sold or processed in this state must have record keeping which permits tracking the product to the farm on which it was produced. "Transition to organic" products no longer have to identify whether they are in the first or second year of the transition.

A producer cannot sell an organic product to a processor unless the producer provides the processor a sworn statement that the product was grown or raised in conformity with the organic food laws. Organic certification for out-of-state products need not be made by the product's state of origin. The certification may be made by a certifying agent recognized by the director by rule. The director may deny, suspend, or revoke any organic certification if the director determines that an applicant or certified person has violated the organic food laws or rules.

General guidance is provided for identifying when animal products may be considered to be organic food products. The number of years during which any organic product must be produced without the use of a prohibited fertilizer is expanded from two to three years. Standards are established which must be used by the director in identifying the substances which may and may not be used in the production, processing, and handling of organic products. Prohibited substances are no longer listed by statute.

If a product otherwise produced under the organic food laws is subjected to a drift of unapproved materials, the product cannot be labeled, represented or sold as organic during the course of the crop year of the drift. In the subsequent crop year it may regain its status as being organic if any residues of unapproved substances are not more than 5 percent of the Environmental Protection Agency's tolerance levels for the substances or, if there are no tolerance levels, 5 percent of the Food and Drug Administration's action level.

Appropriation: none

Revenue: none

Fiscal Note: available

SUMMARY OF PROPOSED SENATE AMENDMENT:

Vendors of organic products may only be held liable if they have actual knowledge that the organic products they are offering for sale have been produced with the use of prohibited materials.

The exemption for small organic farmers is qualified to only apply to those farmers who sell directly to consumers.

TESTIMONY FOR:

The bill is necessary to bring Washington's organic food program into line with the requirements of the 1990 federal farm bill. Washington has a well respected program and the changes made by this bill will only improve the program.

TESTIMONY AGAINST: None

TESTIFIED: Lisa Thatcher, Washington Food Dealers (pro); Margaret Clark, WSDA Organic Advisory Board chair (pro); Miles McEvoy, Washington State Department of Agriculture (pro); Orlin Knutson, Alamo Orchards (pro); Woody Deryckx, Cascadian Farms, Washington Tilth (pro); Steve Walser, Willow Wind Farms (pro); Tom Casey, Washington State Grange (pro)