Chapter 16-160 WAC

REGISTRATION OF MATERIALS FOR ORGANIC FOOD PRODUCTION

WAC

16-160-010 Purpose of this chapter.
16-160-020 Definitions.
16-160-030 Applications.
16-160-140 Initial application requirements.
16-160-150 Renewal application requirements.
16-160-160 Updating an application.
16-160-170 Confidential information.
16-160-180 Inspections.
16-160-190 Recordkeeping requirements.
16-160-200 Fees.
16-160-210 Labels and logos.
16-160-220 Suspension, revocation, cancellation, and denial of registrations.

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 Repealed by WSR 03-03-045, filed 1/10/03, effective 2/10/03.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.] Repealed by WSR 10-19-018, filed 9/8/10, effective 10/9/10.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.] Repealed by WSR 10-19-018, filed 9/8/10, effective 10/9/10.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.] Repealed by WSR 10-19-018, filed 9/8/10, effective 10/9/10.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.] Repealed by WSR 10-19-018, filed 9/8/10, effective 10/9/10.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 When are brand name materials 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.] Repealed by WSR 10-19-018, filed 9/8/10, effective 10/9/10.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.] 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 Inspection. [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 Inspection and registration requirements. [Statutory Authority: Chapters 15.86 and 34.05 RCW. WSR 07-17-017, § 16-160-090, 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.

16-160-100 Labeling. [Statutory Authority: Chapters 15.86 and 34.05 RCW. WSR 07-17-017, § 16-160-100, 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.

16-160-110 Organic logo application. [Statutory Authority: Chapters 15.86 and 34.05 RCW. WSR 07-17-017, § 16-160-110, 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.

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

[WStatutory Authority: Chapter 15.86 and 34.05 RCW. WSR 07-17-017, § 16-160-010, filed 8/6/07, effective 9/6/07.] Repealed by WSR 10-19-018, filed 9/8/10, effective 10/9/10. Statutory Authority: Chapter 15.86 RCW. 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 regis-
Organic Food Production

WAC 16-160-120  Applications. (1) Registration 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 brand name materials list.

(2) Registration of a material on the brand name materials 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 registered on the brand name materials list.

WAC 16-160-130  General application requirements. (1) Manufacturers of materials used in organic production,

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

(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.

(d) Any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant; and

(e) Any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant.

(f) Any substance or mixture of substances intended to be used as a soil amendment.

(g) Any substance or mixture of substances intended to be used as a soil amendment.

(h) Any substance or mixture of substances intended to be used as a crop production aid.

(i) Any substance or mixture of substances intended to be used as a crop production aid.

(j) Any substance or mixture of substances intended to be used as a livestock production aid.

(k) Any substance or mixture of substances intended to be used as a livestock production aid.

(l) Any substance or mixture of substances intended to be used as a livestock production aid.

(m) Any substance or mixture of substances intended to be used as a livestock production aid.

(n) Any substance or mixture of substances intended to be used as a livestock production aid.

(o) Any substance or mixture of substances intended to be used as a livestock production aid.

(p) Any substance or mixture of substances intended to be used as a livestock production aid.

(q) Any substance or mixture of substances intended to be used as a livestock production aid.

(r) Any substance or mixture of substances intended to be used as a livestock production aid.

(s) Any substance or mixture of substances intended to be used as a livestock production aid.

(t) Any substance or mixture of substances intended to be used as a livestock production aid.

(u) Any substance or mixture of substances intended to be used as a livestock production aid.

(v) Any substance or mixture of substances intended to be used as a livestock production aid.

(w) Any substance or mixture of substances intended to be used as a livestock production aid.

(x) Any substance or mixture of substances intended to be used as a livestock production aid.

(y) Any substance or mixture of substances intended to be used as a livestock production aid.

(z) Any substance or mixture of substances intended to be used as a livestock production aid.

[Ch. 16-160 WAC p. 2]
processing or handling may submit an application for registration on the brand name material list to the department.

(2) Manufacturers may submit applications to the department at:

Washington State Department of Agriculture
Organic Food Program
P.O. Box 42560
Olympia, WA 98504-2560.

These forms may also be found on the department's website at: http://agr.wa.gov/foodanimal/organic

(3) Applications for registration will not be approved unless the applicant demonstrates that the material meets the requirements and standards of the National Organic Program and is approved for use in organic production, processing, or handling in accordance with the National Organic Program. Specifically, the material may not be a material prohibited for use in the production or handling of organic products by 7 C.F.R. Section 205.105, and may not be otherwise prohibited for use in organic production and handling by the National Organic Program.

(4) All registrations expire on October 31st of the registration year.

(5) 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 15.86.060, 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) Applications must be submitted on the form provided by the department, and must include:

(a) Material registrant agreement in which the registrant agrees to comply with chapter 16-160 WAC.
(b) The name and address of the registrant.
(c) 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 registered material.
(d) The brand name that the material is sold under.
(e) 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.
(f) 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.
(g) Ingredient information for each ingredient listed in the formula (including alternate formulas) sufficient to demonstrate compliance with the standards of the National Organic Program:
   (i) Manufacturing process; and
   (ii) Formulation, including active and inert ingredients.
   (h) 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.
   (i) 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.
   (j) The intended use of the material.
   (k) The required fee for registration.
   (l) Signature by authorized representative.
   (m) The department may request additional information related to the items above as necessary to demonstrate that the material meets the standards of the National Organic Program.

(2) Applications for fertilizers and pesticides must submit verification of a valid registration from the WSDA pesticide management division.

(3) In addition to the information required in this section, a registrant who is packaging or distributing a material manufactured by another person or manufacturer or are otherwise not responsible for the processing or production of the final product must submit a statement from the manufacturer of the material granting the department access to the manufacturing facility and authorizing inspections in accordance with WAC 16-160-180.

[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) Renewal applications must be submitted on the form provided by the department, and must include the following:

(a) Material registrant agreement in which the registrant agrees to comply with chapter 16-160 WAC;
(b) Name(s) of the material(s) seeking renewal;
(c) Name and address of the manufacturing facility(ies) for each registered material;
(d) Notification of changes to the original application;
(e) Signature of authorized representative; and
(f) 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 who package or distribute a material manufactured by another person or manufacturer or are otherwise not responsible for the processing or production of the final product must annually submit a statement from the manufacturer of the material granting the department access to the manufacturing facility and authorizing inspections in accordance with WAC 16-160-180.

(3) Full disclosure of the complete formula of the material, including active and inert ingredients, is required every five years.

[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 formula-
tion, 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.

[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 16-160-170 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) Registrants who package or distribute a material manufactured by another person or manufacturer or are otherwise not responsible for the processing or production of the final product must annually submit a statement from the manufacturer of the material granting the department access to the manufacturing facility and authorizing inspections. The signed consent must be on a form provided by the department.

(5) 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, fails to provide samples as provided in this section, or fails to provide the department with the consent described in subsection (4) of this section.

(6) 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 standards of the National Organic Program.

[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 standards of the National Organic Program. 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 15.86.060, 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. The following fees apply to applicants and registrants to the brand name materials list.

(1) Initial material registration:

(a) The application fee for initial registration of a pesticide, spray adjuvant, processing aid, livestock production aid or post-harvest material is five hundred dollars per material.

(b) The application fee for initial registration of a fertilizer, soil amendment, organic waste derived material, compost, animal manure or crop production aid is four hundred dollars per material.

(2) Renewal registration: The application fee for renewing a registration for a pesticide, spray adjuvant, processing aid, livestock production aid or post-harvest material is three hundred dollars per material. The application fee for renewing a registration for a fertilizer, soil amendment, organic waste derived material, compost, animal manure or crop production aid is two hundred dollars per material.

(3) Late fees: Renewal applications postmarked after October 31st must include a late fee in addition to the renewal fee. Renewal applications received after February 2nd will not be accepted.
If your application is post-marked after October 31st but before:

<table>
<thead>
<tr>
<th></th>
<th>Then the late fee is:</th>
</tr>
</thead>
<tbody>
<tr>
<td>December 1</td>
<td>$100</td>
</tr>
<tr>
<td>January 1</td>
<td>$200</td>
</tr>
<tr>
<td>February 1</td>
<td>$300</td>
</tr>
</tbody>
</table>

(4) **Inspections:** Inspections conducted by the department, including report writing, will be billed at forty dollars per hour plus travel costs and mileage which shall be charged at the rate established by the state office of financial management. Fees assessed for inspections conducted by third-party inspection agencies are established by that agency. Registrants may contact the inspection agency to determine the applicable fee for those inspections.

(5) **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 of agriculture or at the cost for analyses performed by another laboratory.

(6) **Expedited evaluation fees:** Requests for expedited reviews may be submitted and, if approved, are billed at the rate of forty dollars per hour.

WAC 16-160-210 **Labels and logos.** 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. Registered materials are not certified as organic by the department and are prohibited from making claims indicating products are "certified organic" or similar term. 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. 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.

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

(1) Registrations on the brand name materials list, and applications for registration, are governed by chapter 34.05 RCW. The director may deny, suspend, cancel, or revoke a registration on the brand name materials list 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) Application or registrations 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 15.86.060, 15.86.130, and chapter 34.05 RCW. WSR 10-19-018, § 16-160-210, filed 9/8/10, effective 10/9/10.]

[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.]