

WSR 23-13-013
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE
[Filed June 8, 2023, 2:51 p.m.]

Subject of Possible Rule Making: Chapter 16-160 WAC, Registration of materials for organic food production. The Washington state department of agriculture (WSDA) is considering changes to the registration fee schedules and changes to the registered material logo. Minor updates to definitions, application process, or other sections may also be identified and considered, if necessary, to ensure consistency with current federal rules or to ensure the proper administration of services.

The registration of materials for organic food production is a voluntary service that businesses can opt in to in order to increase visibility of their products intended for use by organic producers and handlers. While registration is not required for a material to be used by an organic producer or handler, or sold in this state, registration is necessary for a material to be included on the brand name materials list.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.86.070, 15.86.130, 15.86.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Over the last decade, the United States Department of Agriculture's (USDA) organic regulations and input material evaluation criteria have changed in response to emerging issues and markets; WSDA must implement additional evaluation requirements to ensure market access for organically approved input materials.

Continued growth in the organic industry has caused a demand for services that are not outlined within the current fee schedules. In addition, program operating costs have changed significantly over the last 10 years. The increase in expenses, in addition to the inability to adequately charge for services provided, has caused operating expenses to exceed the registration program's annual revenue. RCW 15.86.070 (2)(b) states that rules adopted by WSDA shall include a fee schedule that will provide for the recovery of the full cost of the program. RCW 15.86.140 allows WSDA to increase by rule fees established in this section as necessary to cover costs of providing services. Registration fees have not been adjusted since 2010.

An update to the WSDA organic program logo is being considered to increase public awareness and assist businesses in the marketing of WSDA certified organic products.

WSDA may consider additional updates to the rule language to ensure consistency with current federal rules or to ensure the proper administration of quality services to all businesses who wish to register input materials for use in organic production and handling.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: USDA National Organic Program (NOP); WSDA will communicate any rule amendments with NOP.

Process for Developing New Rule: WSDA staff will collaborate with affected stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brenda Book, WSDA Organic Program Manager, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, phone

360-902-1805, TTY 800-833-6388 or 711, email organic@agr.wa.gov, website agr.wa.gov/organic.

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