

# SENATE BILL REPORT

## SB 6420

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As Passed Senate, February 15, 2002

**Title:** An act relating to organic food products.

**Brief Description:** Regulating organic food products.

**Sponsors:** Senators Rasmussen, Swecker and Spanel; by request of Department of Agriculture.

**Brief History:**

**Committee Activity:** Agriculture & International Trade: 1/23/02, 1/25/02 [DP].

Passed Senate: 2/15/02, 40-0.

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### SENATE COMMITTEE ON AGRICULTURE & INTERNATIONAL TRADE

**Majority Report:** Do pass.

Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Sheahan, Snyder, Spanel and Swecker.

**Staff:** Bob Lee (786-7404)

**Background:** In 1985, Washington State enacted the organic food program that is administered by the Department of Agriculture. Under the program, the department is to establish a process for certification of organic food producers and processors, and approve the use of substances and practices that may be used for production and processing of organic food products.

Rules adopted by the department address a number of topics including:

- (1) materials approved for use as fertilizers and soil amendments;
- (2) materials and practices approved for control of plant pests and diseases;
- (3) certification requirements for organic food producers and for those making the transition to an organic food producer. This includes conducting at least one unannounced visit each year to inspect records, crops and fields;
- (4) certification and labeling requirements for processors of organic foods;
- (5) animal production standards for organic meat and dairy products; and
- (6) a fee schedule for organic food producers and processors.

Current state law prohibits the sale or labeling of products as organic food if they were grown on land using any non-approved substances within a three-year period. Food products that were produced with approved organic practices and substances for at least one year, but less than three years, may be sold and labeled as "transition to organic" food products.

In 1990, Congress passed the federal Organic Food Production Act. This act provides for the accreditation of state and private certification programs. Recently, federal rules have been adopted that implement the federal program.

Amendments to the state organic food law are being requested so that the state statutes will meet federal requirements.

**Summary of Bill:** Legislative findings are made that it is in the public interest to provide certification under the federal Organic Food Production Act of 1990, and to establish a state organic program under the federal law and associated rules. The Department of Agriculture is authorized to take actions and adopt rules to meet the requirements of federal law.

Specific provisions of state law are repealed that (1) establish the "transition to organic" requirements; and (2) provide exceptions from mandatory certification requirements for: (a) final retailers of organic foods that do not process organic food products; and (b) for producers who sell no more than \$5,000 annually directly to consumers.

Food products may be labeled and sold as organic if the person is certified by either the department or a recognized organic certifying agent. Fees established to administer the organic food program may be increased in excess of the fiscal growth factor for the fiscal year ending June 30, 2003.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The organic food industry has been steadily growing. The bill is needed to allow the State Organic Food Program to conform with federal laws so that the state program can be accredited under federal rules.

**Testimony Against:** None.

**Testified:** Leslie Emerick, WSDA; Harold Ostenson; Organic Advisory Board (pro); Miles McEvoy, WSDA (pro); Mike Brownfield, organic orchardist (pro).