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02.02.15 - IDAHO ORGANIC FOOD PRODUCTS RULES

000. -- 009. (RESERVED).

010. PRODUCTION STANDARDS.

01. Minimum Standards. The minimum standards qualifying a product to be labeled as an organic food are: (7-1-93)

a. The Producer, as defined in Section 22-1102(7), Idaho Code, has grown, raised and maintained a product after harvest without the use of synthetic fertilizers, pesticides, hormones, antibiotics, growth stimulants, arsenicals or other synthetic materials. However, for all food products except potatoes, treated seed may be used if untreated seed is not available. Microorganisms, microbiological products and materials consisting of, or derived or extracted solely from plant, animal or mineral-bearing rock substances may be applied by the producer unless prohibited by Subsection 010.05. (7-1-93)

b. The Handler, as defined in Section 22-1102(3), Idaho Code, has not used or added any prohibited material during the production, composition, processing, manufacturing, packaging, transporting or storage of an organic food product. Microorganisms, microbiological products and materials consisting of, or derived or extracted solely from plant, animal or mineral-bearing rock substances may be applied by the handler unless prohibited by Subsection 010.05. A handler shall not sell any Idaho certified organic product until he has registered with the Department and paid the appropriate fee. (7-1-93)

c. The soil on which an organic food is grown or raised must have been free of synthetic fertilizers, pesticides, hormones, antibiotics, growth stimulants, arsenicals or other synthetic materials for a minimum of thirty-six (36) months prior to the harvest of an organic food. (7-1-93)

02. Time Limits. Time limits distinguish "Certified Organic" from "Transitional to Organic" products. "Certified Organic" food must be grown on land that has received no prohibited substances for thirty-six (36) months prior to harvest. "Transitional to Organic" products from a field that meets all the criteria for certification except the requirement that the product be free of unapproved materials for thirty-six (36) months prior to harvest may be labeled and sold under the Idaho Department of Agriculture "Transitional to Organic" seal if the food product meets the following minimum standards. (7-1-93)

a. In the case of perennial crops, no synthetic fertilizers, pesticides, hormones, antibiotics, growth stimulants, arsenicals or other synthetic materials shall be applied by the producer to the field or area in which the product is grown for twelve (12) months prior to the appearance of flower buds and throughout the entire growing and harvest season. (7-1-93)

b. In the case of annual crops and two (2) year crops, no synthetic fertilizers, pesticides, hormones, antibiotics, growth stimulants, arsenicals or other synthetic materials shall be applied to the field or area in which the product is grown for twelve (12) months prior to seed planting or transplanting and throughout the entire growing and harvest season for the particular product. (7-1-93)

03. Organic Claim or Implication. No claim or implication shall be made in the advertising, selling or labeling of a food product that the food product is "Organic" or "Idaho Certified Organically Grown" unless it conforms to the requirements of Title 22, Chapter 11, Idaho Code. (7-1-93)

04. Natural and Wild Distinction. These rules do not apply to the term "natural" when used in labeling or advertising of a food. These rules do not apply to the term "wild" when such term is used to describe a flavor of a food or a plant variety. (7-1-93)

05. Fertilizers, Growth Promoters and Soil Amendments. Materials list for organic food production--fertilizers, growth promoters and soil amendments: (7-1-93)

- a. The following list of fertilizers, growth promoters and soil amendments is approved for use in organic crop production. Some approved materials have certain restrictions regarding their use in organic crop production. Always carefully read the label and any other documentation. Apply all materials with awareness and care. (7-1-93)
- i. Algae. (7-1-93)
 - ii. Animal manure. Excessive use of animal manure can lead to nitrate contamination of ground water. Heavy nitrogen use can also lead to high nitrate levels in leafy greens. Raw manure may be applied to: (7-1-93)
 - (a) Any green manure crop. (7-1-93)
 - (b) Any perennial crop. (7-1-93)
 - (c) Any crop not for human consumption. (7-1-93)
 - (d) Any crop for human consumption, if such crop is harvested after a reasonable period of time after the most recent application of raw manure, but in no event shall such period be less than sixty (60) days. (7-1-93)
 - iii. Blood meal. (7-1-93)
 - iv. Blue-green algae or cyanobacteria. (7-1-93)
 - v. Bone meal. (7-1-93)
 - vi. Boron products. (7-1-93)
 - vii. Biodynamic preparations. (7-1-93)
 - viii. Chelates: Chelated micronutrient sprays may be used in conjunction with soil and/or plant tissue tests. Amino acid, lignosulphate, citric acid, malic acid, tartaric acid and other diacid and triacid chelates are acceptable. (7-1-93)
 - ix. Chilean nitrate (See sodium nitrate). (7-1-93)
 - x. Cocoa bean hulls: Need to be tested for pesticide residues. (7-1-93)
 - xi. Compost. (7-1-93)
 - xii. Cottonseed meal: Needs to be tested for pesticide residues. (7-1-93)
 - xiii. Cyanobacteria or blue-green algae. (7-1-93)
 - xiv. Diatomaceous earth: Use a dust mask when applying to prevent lung irritation. (7-1-93)
 - xv. Dolomite: May cause buildup of magnesium. (7-1-93)
 - xvi. Enzymes: Acceptable if derived microbiologically from natural materials and not fortified with synthetic plant nutrients. (7-1-93)
 - xvii. Epsom salts or magnesium sulphate. (7-1-93)
 - xviii. Fish emulsions: Forms which are "fortified" with urea or other synthetic plant nutrients are prohibited. Phosphoric acid used as a stabilizer in fish emulsion cannot exceed one percent (1%) by weight of P2 O3. (7-1-93)
 - xix. Fish meal. (7-1-93)

- xx. Gibberellic acid: Acceptable if made without synthetic substances. (7-1-93)
- xxi. Grape, apple and other pomades. (7-1-93)
- xxii. Greensand. (7-1-93)
- xxiii. Guano, bat or bird. (7-1-93)
- xxiv. Gypsum. (7-1-93)
- xxv. Hoof and horn meal. (7-1-93)
- xxvi. Humates: Humates are usually natural deposits which are mined and may contain high trace mineral contents. Acceptable if derived from leonardite, lignite or coal. (7-1-93)
- xxvii. Humic acid derivatives: These are extracts of humates which may be made with either natural or unnatural processes. These are only acceptable if derived from natural sources and not fortified. (7-1-93)
- xxviii. Kelp extracts. (7-1-93)
- xxix. Kelp meal. (7-1-93)
- xxx. Kieserite. (7-1-93)
- xxxi. K-mag or sol-po-mag. (7-1-93)
- xxxii. Limestone. (7-1-93)
- xxxiii. Manure: See Animal Manure (7-1-93)
- xxxiv. Microbial soil inoculants (7-1-93)
- xxxv. Mined material. (7-1-93)
- xxxvi. Mulches: Plastic mulches must not be incorporated in to soil (7-1-93)
- xxxvii. Mushroom compost: Must be tested for pesticide residues. (7-1-93)
- xxxviii. Peat moss: Unfortified forms only. (7-1-93)
- xxxix. Perlite. (7-1-93)
- lx. Phosphate rock. (7-1-93)
- lxi. Potassium sulfate. (7-1-93)
- lxii. Rock phosphate. (7-1-93)
- lxiii. Shells, ground: Oyster, clam, lobster and crab. (7-1-93)
- lxiv. Sodium nitrate: Discouraged because of high sodium content. Cannot be used as the primary source of nitrogen. Sodium nitrate can be used for up to twenty percent (20%) of total nitrogen inputs. Total nitrogen is defined as pounds of nitrogen from all sources including, in part, manure, blood meal, compost, green manures, cover crops and fish meal. (7-1-93)
- lxv. Spent controlled atmosphere lime. (7-1-93)

- lxvi. Sugar beet lime: Must be screened for pesticide residues. (7-1-93)
- lxvii. Sulfur, elemental: Direct application to soil discouraged. (7-1-93)
- lxviii. Sulfates of zinc or iron. (7-1-93)
- lxix. Sol-po-mag or K-mag. (7-1-93)
- l. Vermiculite. (7-1-93)
- li. Wood ashes. (7-1-93)
- lii. Worm castings (7-1-93)
- liii. Zinc sulfate (7-1-93)
- b. The following list of fertilizers, growth promoters and soil amendments is prohibited for use in organic crop production, list includes but is not limited to the following: (7-1-93)
 - i. Ammonia products. (7-1-93)
 - ii. Calcium nitrate. (7-1-93)
 - iii. Fortified humic acid derivatives. (7-1-93)
 - iv. Growth regulators, synthetic. (7-1-93)
 - v. Human sewage sludge. (7-1-93)
 - vi. Hydrated lime. (7-1-93)
 - vii. Leather meal or tankage. (7-1-93)
 - viii. Magnesium nitrate. (7-1-93)
 - ix. Mono-ammonium phosphate. (7-1-93)
 - x. Muriate of potash. (7-1-93)
 - xi. Phosphoric acid. (7-1-93)
 - xii. Potassium nitrate (7-1-93)
 - xiii. Super phosphate. (7-1-93)
 - xiv. Triple phosphate. (7-1-93)
 - xv. Urea. (7-1-93)
 - xvi. Vitamin B-1. (7-1-93)
- 06. Insect Pest Control. List for organic food production--insect pest control materials and practices: (7-1-93)
 - a. The following list of pest control materials and practices for insects, mites and other invertebrates is approved for use in organic crop production. Some approved materials have certain restrictions regarding their use in organic crop production. Always carefully read the label and any other documentation. Apply all materials with

- awareness and care. (7-1-93)
- i. Bacillus thuringiensis: Liquid forms containing xylene are prohibited. (7-1-93)
 - ii. Beneficial insects. (7-1-93)
 - iii. Boric acid: Cannot be used on edible plant parts. (7-1-93)
 - iv. Codling moth granulosis virus. (7-1-93)
 - v. Cryolite or sodium fluoaluminate: The mined material from Greenland is permitted. (7-1-93)
 - vi. Diatomaceous earth: Use a dust mask when applying to prevent lung irritation. (7-1-93)
 - vii. Dormant oils: Use only on woody plants as a dormant spray. (7-1-93)
 - viii. Garlic. (7-1-93)
 - ix. Herbal preparations: May not be extracted with synthetic solvents. (7-1-93)
 - x. Insect extracts. (7-1-93)
 - xi. Nematodes. (7-1-93)
 - xii. Pheromones. (7-1-93)
 - xiii. Pyrethrums: Naturally occurring forms are allowed. The pyrethrums are highly unstable in the presence of air, light and moisture. They have low mammalian toxicity and can cause dermatitis in humans. Use with caution. (7-1-93)
 - xiv. Rotenone: Use with caution. Rotenone is highly toxic to fish. Its persistence in the soil is unknown though it loses its effectiveness within one week. Should not be used on crops nearing harvest time. The active compounds, rotenoids, are present in a variety of legumes including soybeans. (7-1-93)
 - xv. Ryania: Use with caution. The toxicological properties of ryania are largely unknown. (7-1-93)
 - xvi. Sabadilla: Use with caution. (7-1-93)
 - xvii. Soaps. (7-1-93)
 - xviii. Sulfur, elemental. (7-1-93)
 - xix. Summer oils: May be used on woody plants only, carrot and/or weed oils are prohibited. (7-1-93)
 - xx. Trapping substances. (7-1-93)
 - xxi. Tree seals: May be petroleum based but may not contain synthetic chemicals or fungicides. (7-1-93)
 - xxii. Virus sprays (7-1-93)
- b. The list of insect pest control materials and practices that is prohibited for use in organic crop production includes but is not limited to the following: (7-1-93)
- i. Abamectin or Avermectin. (7-1-93)
 - ii. Carbamates. (7-1-93)

- iii. Chlorinated hydrocarbons. (7-1-93)
- iv. Dimethyl sulfoxide. (7-1-93)
- v. Methyl bromide. (7-1-93)
- vi. Methyl sulfoxide. (7-1-93)
- vii. Moth balls/crystals. (7-1-93)
- viii. Nicotine: Nicotine is prohibited because of extreme toxicity. (7-1-93)
- ix. Organophosphates. (7-1-93)
- x. Plant protectants, synthetic. (7-1-93)
- xi. Pyrethroids, synthetic. (7-1-93)
- 07. Weed Control. Materials list for organic food production--weed control materials and practices: (7-1-93)
 - a. The following list of weed control materials and practices is approved for use in organic crop production. Some approved materials have certain restrictions regarding their use in organic crop production. Always carefully read the label and any other documentation. Apply all materials with awareness and care. (7-1-93)
 - i. Laming. (7-1-93)
 - ii. Grazing. (7-1-93)
 - iii. Herbicidal soaps. (7-1-93)
 - iv. Mechanical and cultural controls. (7-1-93)
 - v. Mulches of organic materials. (7-1-93)
 - vi. Plastics for mulch, row covers and solarization. (7-1-93)
 - vii. Weeder geese. (7-1-93)
 - b. The list of weed control materials and practices that is prohibited for use in organic crop production includes but is not limited to the following: (7-1-93)
 - i. Carrot oil. (7-1-93)
 - ii. Herbicides. (7-1-93)
 - iii. Synthetic growth regulators. (7-1-93)
 - iv. Weed oils. (7-1-93)
- 08. Disease Control. Materials list for organic food production -- disease control materials and practices: (7-1-93)
 - a. The following list of disease control materials and practices is approved for use in organic crop production. Some approved materials have certain restrictions regarding their use in organic crop production. Always carefully read the label and any other documentation. Apply all materials with awareness and care. (7-1-93)

- i. Antibiotics: Naturally derived antibiotics are permitted for disease control. (7-1-93)
- ii. Bordeaux mixes: Use with caution. Excessive use of bordeaux may cause buildup of copper in the soil and limit the continued use. (7-1-93)
- iii. Copper hydroxide. (7-1-93)
- iv. Copper sulfate: Use with caution. Excessive use of bordeaux may cause buildup of copper in the soil and limit the continued use. (7-1-93)
- v. Dormant oils: Use only on woody plants as a dormant spray. (7-1-93)
- vi. Hydrated lime: Foliar application as a fungicide only. May not be used as a liming material. (7-1-93)
- vii. Hydrogen peroxide. (7-1-93)
- viii. Lime sulfur: Foliar application as a fungicide only. (7-1-93)
- ix. Soil pasteurization. (7-1-93)
- x. Sulfur, elemental. (7-1-93)
- xi. Tree seals: May be petroleum based but may not contain synthetic chemicals or fungicides. (7-1-93)
- b. The list of disease control materials and practices that is prohibited for use in organic crop production includes but is not limited to the following: (7-1-93)
 - i. Soil fumigants. (7-1-93)
 - ii. Synthetic fungicides, fumigants, sterilants and bactericides. (7-1-93)
09. Vertebrate Control. Materials list for organic food production--vertebrate control materials and practices: (7-1-93)
 - a. The following list of vertebrate pest control materials and practices is approved for use in organic crop production. Some approved materials have certain restrictions regarding their use in organic crop production. Always carefully read the label and any other documentation. Apply all materials with awareness and care. (7-1-93)
 - i. Deer and rabbit repellents: Acceptable if derived from a natural source. (7-1-93)
 - ii. Predators: Cats, hawks, coyotes, airborne projectiles. (7-1-93)
 - iii. Rodent traps. (7-1-93)
 - iv. Strychnine: Underground use only. (7-1-93)
 - v. Synthetic vitamin baits. (7-1-93)
 - b. The list of vertebrate pest control materials and practices that is prohibited for use in organic crop production includes but is not limited to Anticoagulant rodent baits. (7-1-93)
10. Materials List For Organic Food Production, Post Harvest Handling and Processing. Materials and practices: (7-1-93)
 - a. The following list of materials and practices is approved for post-harvest use for organic food:

- (7-1-93)
- i. Beneficial insects. (7-1-93)
- ii. Carbon dioxide gas. (7-1-93)
- iii. Chlorine dioxide. (7-1-93)
- iv. Citric acid, naturally derived. (7-1-93)
- v. Controlled atmosphere. (7-1-93)
- vi. Ethylene gas: Ethylene gas may be used on bananas only. (7-1-93)
- vii. Fruit waxes: Natural waxes are permitted as long as they do not contain synthetic additives. (7-1-93)
- viii. Hydrogen peroxide. (7-1-93)
- ix. Lignosulfonates for floating tree fruits. (7-1-93)
- x. Soap, biodegradable. (7-1-93)
- xi. Soda ash for floating tree fruits. (7-1-93)
- xii. Sodium silicate for floating tree fruits. (7-1-93)
- b. The list of post-harvest materials and practices that is prohibited for use in organic crop production includes but is not limited to the following: (7-1-93)
 - i. Antibiotics. (7-1-93)
 - ii. Artificial preservatives. (7-1-93)
 - iii. Fumigants. (7-1-93)
 - iv. Fungicides. (7-1-93)
 - v. Irradiation. (7-1-93)

011. -- 099. (RESERVED).

100. RECORDS REQUIRED.

01. Acreage and Production Activity. All producers shall keep accurate records of the location of the acreage used for growing such products and the additions made to the soil, applied to the plants or added to irrigation water, and shall include cultivation or other weed control methods, and the names and addresses of the person(s) who applied any substances and the dates, the rate and method of application of such substances. (7-1-93)

02. Audit Trail. All producers and handlers shall maintain records to permit tracing the sources and amounts of all off-farm inputs, date and place of harvest, and all steps between harvest and sale to the wholesaler, retailer, vendor or final consumer. Certification shall be denied or revoked for intentionally falsifying or refusing to supply adequate records. Certification shall be suspended until the Department is provided adequate records. (7-1-93)

03. Ingredients Added. All handlers shall keep accurate records as to all ingredients added to products that are sold as "Organic" or "Transitional to Organic," and the names and addresses of the person(s) who applied any substances, and the dates, the rate and method of application of such substances. (7-1-93)

04. Sale or Distribution. Producers, handlers, and vendors shall, upon request, provide the Idaho Department of Agriculture with all records pertaining to the sale or distribution of "Organic" and "Transitional to Organic" foods. (7-1-93)

05. Record Retention. Record retention requirements: All records required under this section shall be retained for five (5) years. (7-1-93)

101. -- 199. (RESERVED).

200. INSPECTIONS.

There shall be an annual, announced, on-site inspection by the Idaho Department of Agriculture or its designee, including an examination of farm and other pertinent business records. Additional announced or unannounced inspections may be conducted as deemed necessary by the Department. (7-1-93)

201. -- 249. (RESERVED).

250. CHEMICAL RESIDUE ANALYSIS.

01. Laboratory Recognition. The laboratory test or analysis procedures and methods used for verification purposes shall be those recognized and accepted or specified by the Department. (7-1-93)

02. Residue Testing of Products. Periodically, samples will be composited by the certifying agency for residue testing of agricultural products that have been produced on certified organic farms and handled through certified organic handling operations, to determine whether such products contain any pesticide or other non-organic residue or natural toxins. Anyone aware of a violation of applicable laws relating to food safety is encouraged to report such violation to the appropriate agency. (7-1-93)

03. Soil Sample Requirements. The Department may require tests of soil samples whenever it suspects that prohibited or restricted materials are present. (7-1-93)

04. Maximum Tolerances. No processed or unprocessed food product shall be labeled as "Organic," "Organically Grown," or "Transitional to Organic" which has any pesticide residue in excess of ten percent (10%) of the Federal Food and Drug Administration approved level or the current limit of quantitation used by the State Department of Agriculture laboratory, whichever is higher. (7-1-93)

05. Costs. The costs for residual testing shall be borne by the applicant. (7-1-93)

251. -- 299. (RESERVED).

300. CERTIFICATION OF PRIVATE LABORATORIES.

The Department, after a review of a laboratory facility and their methodology, may certify the laboratory to conduct chemical residue analysis. (7-1-93)

301. -- 349. (RESERVED).

350. PRODUCER STANDARDS.

01. Organic Time Limits. A product shall not be certified as "Organic" or "Idaho Certified Organically Grown" if a producer has applied any prohibited materials to the land or crops within thirty-six (36) months prior to harvest. All producers must be registered with the Department to be certified. (7-1-93)

02. "Transitional to Organic" Exceptions. A producer selling an organic product for three (3) years or more to any established market with either third-party inspections or producer affidavits provided to buyers documenting that the thirty-six (36) months free of synthetics requirements have been met and maintained exempts these producers from the "Transitional to Organic" requirements as set forth in Subsection 010.02. (7-1-93)

03. "Transitional to Organic" Classification. Producers not previously certified as "Organic" who wish

to participate in the organic program must register with the Department under a "Transitional to Organic" classification. (7-1-93)

04. Farm History and Organic Plan. The applicant for certification shall complete information describing at least the three (3) most recent years' production methods and materials, as well as information on current production practices. The applicant shall also furnish to the Department an organic plan containing provisions designed to foster soil fertility, primarily through the management of the organic content of the soil through proper tillage, crop rotation and manuring. (7-1-93)

05. Notarized Statement. The applicant for certification shall provide a notarized statement on forms prescribed by the Director attesting to the truth of information furnished and adherence to the Idaho Organic Food Products Rules. (7-1-93)

06. Certification Basis. Certification may be on a whole-farm or on a field-by-field basis. Fields may not be rotated in and out of organic production and remain certified organic unless all the requirements are met. (7-1-93)

07. Mixed Operations. No crop may be sold as "Organic" if the same crop is also produced elsewhere on the farm using methods or materials that do not conform to organic standards unless the producer can clearly demonstrate that there exists both physical facilities and the organizational ability to ensure that there is no possibility of crop mixing. This criteria also applies to situations where an uncertified crop is produced by the same producer on another farm unit, or is purchased for resale. (7-1-93)

08. Field Certification. A field may be certified "Organic" if there has been no use of non-acceptable materials, included but not limited to synthetic fertilizers, pesticides, hormones, antibiotics, growth stimulants, arsenicals or other synthetic materials used during the year of production and for at least thirty-six (36) months preceding harvest. (7-1-93)

09. Boundaries and Buffer Zones. In cases of a farm or field, the area to be certified shall have distinct, defined boundaries and buffer zones separating the land being operated through the use of organic methods from land that is not being operated through the use of such methods. (7-1-93)

10. Spot Application of Prohibited Materials. Pertinent action can be taken under the provisions of the noxious weed law with spot application of prohibited materials allowed in non-crop areas or the buffer zone. Any application shall be documented on the producer's records. Subsection 100.01. (7-1-93)

11. Soil Testing Requirements. Monitoring and assessment of soil nutrient balances is required at least every three (3) years in each field to be certified organic. (7-1-93)

12. Contamination From Equipment. Machinery and equipment shall be in such condition as to avoid contamination of soil or crops from hydraulic fluid, fuel, oil or other contaminants. (7-1-93)

13. Irradiation. Irradiation of organic food products is prohibited. (7-1-93)

351. -- 399. (RESERVED).

400. HANDLER STANDARDS.

01. Processing. "Processing" means cooking, baking, heating, drying, mixing, grinding, churning, separating, extracting, cutting, fermenting, reserving, dehydrating, freezing, or otherwise manufacturing, and includes the packaging, canning, jarring, or otherwise enclosing food in a container. (7-1-93)

02. Seal Standards. The "Organic" certification seal, or a "Transitional to Organic" seal as prescribed by the Director, can only be used on containers or bulk displays of organic processed foods containing at least ninety-five percent (95%) organically-grown ingredients. The remaining five percent (5%) of ingredients used in formulating a processed food may be from a non-organic source if approved by the organic foods advisory council. (7-1-93)

03. Ingredients. Any ingredient described as "organic" on the processed food label shall be one hundred percent (100%) organically grown. (7-1-93)

04. Label Prohibitions. The term "organic when available" shall not be used on food product labels. (7-1-93)

05. Ingredients Not Permitted. Sulfates, nitrites, and nitrates are not permitted as ingredients in foods purporting to be organic food or labeled as containing organic ingredients. (7-1-93)

06. Packaging Materials. Use of any packaging materials, storage containers or bins that contain synthetic fungicides, preservatives or fumigants; or that have previously been in contact with any substance in such a manner as to compromise the organic quality of such product is prohibited. (7-1-93)

401. -- 449. (RESERVED).

450. ORGANIC SEAL - STANDARDS FOR USE.

01. Seal Placement. The "Organic" certification seal, or a "Transitional to Organic" seal as prescribed by the Director, may be placed on all containers of organic food products, all bulk displays advertising organic food products for sale, and processed organic foods which contain ninety-five percent (95%) or more organically-grown ingredients. (7-1-93)

02. Containers. Any container manufacturer may apply for authorization to imprint facsimiles of the Idaho "Organic" seal or Idaho "Transitional to Organic" seal on containers of organic products. (7-1-93)

03. Director Review. Authorization granted to imprint facsimile seals shall be subject to review by the Director on an annual basis, or more frequently if necessary. (7-1-93)

451. -- 499. (RESERVED).

500. LABELING STANDARDS.

01. Marketing Terms. The only allowable marketing terms are "Organic" or "Idaho Certified Organically Grown." No other terms shall mean or imply "organic" or the use of the organic farming method. (7-1-93)

02. Identification. The name and address of the producer or handler, shall be on the organic product label. (7-1-93)

03. Transitional Labeling: Except as otherwise provided, producers of products who have satisfied all requirements for certification except passage of the required transitional period, as set forth in Subsection 010.02, may market their products under an Idaho Department of Agriculture "Transitional to Organic" seal. This seal may not be used in conjunction with the terms, "Organic" or "Idaho Certified Organically Grown." (7-1-93)

04. Producer Number: Organic food producers and Transitional to Organic food producers who make application to the certification program shall be assigned a grower identification number by the Department of Agriculture. All sales from the producer to the first handler shall include the grower number on the invoice or other sales document. (7-1-93)

501. -- 549. (RESERVED).

550. APPLICATION FOR CERTIFICATION - FEE SCHEDULE.

01. Deadlines. All "Organic" food producers, "Transitional to Organic" producers and "Organic" handlers, shall register and apply for certification with the Department by June 1 of each year. The application and fees shall be forwarded to the Department on forms furnished by the Department. All applicants for organic certification are subject to an annual on-site inspection. Applications for certification received prior to June 1 will be

given priority scheduling for on-site inspection services. Applications received after June 1 will be considered late applications. Late applicants may lose the opportunity to have their on-site farm inspection scheduled in conjunction with other applicants in the area, which could result in substantially higher inspection fees. Applications for producer certification received after September 1 will not be accepted. (7-1-93)

02. Certification Procedures. Producers and handlers may be certified annually as "Organic" if they meet all applicable standards. (7-1-93)

03. Fees. Annual Registration Fees: (7-1-93)

a. Certified producer - One hundred dollars (\$100). (7-1-93)

b. Certified handler - One hundred dollars (\$100). (7-1-93)

c. Certified producer/handler - One hundred dollars (\$100). (7-1-93)

d. Transitional to organic producer - Twenty-five dollars (\$25). (7-1-93)

e. Transitional to organic producer/handler - Twenty-five dollars (\$25). (7-1-93)

f. To participate as a Certified "Organic" Producer, "Transitional to Organic" Producer or Certified Handler, the annual registration application shall be filed with the accompanying fee. A person who produces and handles their own organic food products shall pay only one (1) registration fee of one hundred dollars (\$100). (7-1-93)

04. Inspection Fees. (7-1-93)

a. The hourly rate is twenty-five dollars (\$25). Minimum charge of twenty-five dollars (\$25). Travel time from an inspector's normal duty station to the inspection site and return to normal duty station will be compensable time charged to the applicant. (7-1-93)

b. A mileage rate as approved by the Board of Examiners will also be assessed. (7-1-93)

05. Laboratory Fees. Fees assessed for residue analysis will be borne by the applicant and will include administrative charges. (7-1-93)

06. Graduated Gross Sales Fee Schedule. (7-1-93)

a. In addition to the fees prescribed above, all producers and handlers shall remit with their application an amount based on their annual gross organic sales during the last calendar year, or in the case of a first-time registrant, a projected gross dollar amount for the upcoming calendar year, with a minimum fee of ten dollars (\$10). The graduated gross organic sales fee structure is as follows: (7-1-93)

0 - 2,000	\$ 10
2,001 - 5,000	\$ 25
5,001 - 10,000	\$ 50
10,001 - 15,000	\$ 75
15,001 - 20,000	\$ 100
20,001 - 25,000	\$ 125
25,001 - 30,000	\$ 150
30,001 - 35,000	\$ 175
35,001 - 50,000	\$ 250

50,001 - 75,000	\$ 375
75,001 - 100,000	\$ 500
100,001 - 150,000	\$ 690
150,001 - 200,000	\$ 835
200,001 - 280,000	\$1,050
280,001 - 375,000	\$1,250
375,001 - 500,000	\$1,460
500,001 and up	\$2,000

(7-1-93)

b. Registration and application fees are non-refundable.

(7-1-93)

551. -- 599. (RESERVED).

600. PENALTY FOR VIOLATION.

As set forth in Section 22-1104, Idaho Code, any person violating a rule may be assessed a civil penalty by the Department or its duly authorized agent of not more than three thousand dollars (\$3,000) for each offense and shall be liable for reasonable attorney fees.

(7-1-93)

601. -- 999. (RESERVED).