

IDAPA 02 – IDAHO DEPARTMENT OF AGRICULTURE

Ag Inspections Division

02.06.33 – Organic Food Products Rules

Who does this rule apply to?

All producers, vendors or handlers of organic food products who voluntarily request certification through the Idaho State Department of Agriculture.

What is the purpose of this rule?

This rule governs definitions, requirements for production and handling of organic plant and animal products, labels and labeling of organic plant and animal products, general requirements for certification of producers and handlers of plant and animal products, fee structure, and penalty provisions for violation of organic law and rules.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statute passed by the Idaho Legislature:

- [22-1103, Idaho Code](#) – Organic Food Products: Administration and Enforcement – Rules – Annual List Distribution of Organic Food Products

Who do I contact for more information on this rule?

Idaho State Department of Agriculture

2270 Old Penitentiary Rd.

Boise, ID 83712

P.O. Box 7249

Boise, ID 83707

Phone: (208) 332-8500

Fax: (208) 334-2170

Email: rulesinfo@isda.idaho.gov

Webpage: <https://agri.idaho.gov/main/>

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02.06.33 – ORGANIC FOOD PRODUCTS RULES

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 22-1103, Idaho Code.

(7-1-21)T

001. SCOPE.

These rules govern definitions, requirements for production, handling, and labeling of organic plant and animal products. These rules further govern the general requirements for certification of producers and handlers of plant and animal products, as well as program fee structures.

(7-1-21)T

002. -- 003. (RESERVED)

004. INCORPORATION BY REFERENCE.

The Code of Federal Regulations, Title 7, Part 205, National Organic Program Regulations (April 2, 2021), except sections 205.620 through 205.622, is incorporated by reference and can be viewed online at <http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=b885492294d6e01d334ae6076da2c3c2&rgn=div5&view=text&node=7.3.1.1.9.32&idno=7>. Copies of this document may be obtained from the Idaho State Department of Agriculture (ISDA), 2270 Old Penitentiary Road, Boise, Idaho 83712.

(7-1-21)T

005. -- 009. (RESERVED)

010. DEFINITIONS.

In addition to the definitions found in Section 22-1102, Idaho Code, the following definitions apply to the interpretation and enforcement of these rules:

(7-1-21)T

01. Agent. Any entity accredited by the Secretary of the United States Department of Agriculture as a certifying agent for the purpose of certifying a production or handling operation.

(7-1-21)T

02. Certification. A document issued by the Department to a producer/handler who is in compliance with this rule.

(7-1-21)T

03. Food Products. Includes all agricultural, horticultural, viticultural and vegetable products of the soil, apiary and apiary products, poultry and poultry products, livestock and livestock products, milk and dairy products and aquaculture products.

(7-1-21)T

04. Gross Organic Sales. The grand total of all organic revenue and/or sales transactions that occurred within a calendar year.

(7-1-21)T

05. Materials. Any substance or mixture of substances that is intended to be used in agricultural production, processing, or handling.

(7-1-21)T

011. -- 199. (RESERVED)

200. IDAHO ORGANIC CERTIFICATION SEAL.

01. Utilization of Seal. The Idaho organic certification seal as approved by the director and as shown on the ISDA website may be imprinted or affixed on labels, packages or products, or used in advertising in any manner and signifies that the standards and rules developed in accordance with the provisions of this rule and all other conditions of the provisions of this chapter have been met.

(7-1-21)T

a. Any container manufacturer may apply for authorization to imprint facsimiles of the ISDA organic certification seal on containers of organic products.

(7-1-21)T

b. Authorization granted to imprint facsimile seals is subject to review by the director on an annual basis, or more frequently if necessary.

(7-1-21)T

201. -- 299. (RESERVED)

300. CERTIFICATION REQUIREMENTS AND FEES.

01. Certification Requirements. All applicants applying for certification with the Department, must submit the application to the Department on forms prescribed or approved by the Department.

(7-1-21)T

a. All organic food producers/handlers in Idaho with annual gross organic sales of more than five thousand dollars (\$5,000) must be certified with the Department, unless certified by agents other than the Department accredited under the National Organic Program. (7-1-21)T

b. Producers/handlers with annual gross organic sales of five thousand dollars (\$5,000) or less may select certification. (7-1-21)T

c. All organic food producers and organic handlers certifying with the Department are subject to an annual on-site inspection. (7-1-21)T

02. Certification Fees. (7-1-21)T

a. Organic producers/handlers with annual gross organic sales of more than five thousand dollars (\$5,000) up to fifteen thousand dollars (\$15,000) or producers with annual gross income of five thousand dollars (\$5,000) or less requesting certification – Certification Application Fee of one hundred twenty-five dollars (\$125) that is non-refundable. (7-1-21)T

b. Organic producer/handler with annual gross organic sales of more than fifteen thousand dollars (\$15,000) – Certification Application Fee of two hundred dollars (\$200) that is non-refundable. (7-1-21)T

c. A person who produces and handles their own organic food products pays only one (1) annual certification fee based on gross annual organic sales. (7-1-21)T

03. Certification Inspection Fees. (7-1-21)T

a. The hourly rate is thirty-five dollars (\$35) including travel time. (7-1-21)T

b. 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. (7-1-21)T

c. There will be a minimum charge of thirty-five dollars (\$35) plus mileage for any inspection. (7-1-21)T

d. A mileage rate as approved by the Board of Examiners will be included in the inspection fees. (7-1-21)T

e. Inspections conducted on weekends, holidays, or after normal office hours will be charged at an hourly rate of forty-seven dollars and fifty cents (\$47.50) including travel time with a minimum charge of one (1) hour plus mileage. (7-1-21)T

f. Upon approval by the Department, private inspectors may be utilized. The applicant bears the total cost of the private inspection. (7-1-21)T

301. GRADUATED GROSS SALES FEE SCHEDULE.

01. Graduated Gross Sales Fee Table. In addition to the fees prescribed above, all producers and handlers certified by the Department must remit with their certification application an amount based on their annual gross organic sales during the last calendar year, or in the case of a first-time applicant, a projected gross organic sale 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:

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	\$750
150,001 - 200,000	\$1,000
200,001 - 280,000	\$1,400
280,001 - 375,000	\$1,875
375,001 - 500,000	\$2,500
500,001 and up	0.5% of gross organic sales up to \$5,000

(7-1-21)T

302. -- 999. (RESERVED)

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