

**IDAPA 02  
TITLE 06  
CHAPTER 33**

**02.06.33 - ORGANIC FOOD PRODUCTS RULES**

**010. DEFINITIONS.**

**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. (3-19-07)

**02. Certification.** A document issued by the Department to a producer/handler who is in compliance with this rule who has more than five thousand dollars (\$5,000) annual gross organic sales. (3-19-07)

**03. Department.** The Idaho State Department of Agriculture. (4-2-03)

**04. Director.** The director of the department of agriculture or the director's designee. (4-2-03)

**05. Educational Activity.** Seminar, conference, farm tour, class, or research. (3-19-07)

**06. Food Products.** Shall include 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. (4-2-03)

**07. Handler.** Any person engaged in the business of handling agricultural products, including producers who handle crops or livestock of their own production, except such term shall not include final retailers of agricultural products that do not process agricultural products. (4-2-08)

**08. Livestock.** Any cattle, sheep, goat, swine, poultry, or equine animals used for food or in the production of food, fiber, feed, or other agricultural- based consumer products; wild or domesticated game; or other non-plant life, except such term shall not include aquatic animals or bees for the production of food, fiber, feed, or other agricultural-based consumer products. (4-2-08)

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

**0910. Organic Certification Seal.** The design approved by the director and which when imprinted or affixed on labels, packages or products, or used in advertising in any manner, shall signify that the standards and rules developed in accordance with the provisions of Chapter 11, Title 22, Idaho Code, and all other conditions of the provisions of that chapter have been met. (4-2-03)

**101. Organic Food Product.** Any food product that is marketed using the term organic, or any derivative of the term organic in its labeling or advertising. Organic foods are those processed, packaged, transported and stored to retain maximum nutritional value, without the use of artificial preservatives, coloring or other additives, irradiation, or synthetic pesticides. (4-2-03)

**112. Organically Grown Food Products.** Food products which are produced without the use of synthetically compounded fertilizers, pesticides, or growth regulators for a period not less than thirty-six (36) months prior to harvest. Organically grown food products are produced under the standards and rules established in accordance with the provisions of Chapter 11, Title 22, Idaho Code, and by other qualified agencies. (4-2-03)

**123. Person.** Any individual, partnership, association, corporation, cooperative, or other entity. (4-2-08)

**134. Producer.** A person who engages in the business of growing or producing food, fiber, feed, or other agricultural-based consumer products. (4-2-08)

**145. Registration.** (3-19-07)

**a.** A document issued by the Department to an organic producer/handler who has five thousand dollars (\$5,000) or less annual gross organic sales; or (3-19-07)

**b.** A document issued by the Department to an agent certifying organic producers/handlers in the state of Idaho; or (3-19-07)

**c.** A document issued by the Department to a producer/handler certified by an agent other than the Department. (3-19-07)

**156. Vendor.** Any person who sells organic food products to the consumer or another vendor. (4-2-03)

(BREAK IN CONTINUITY OF SECTIONS)

**200. IDAHO ORGANIC CERTIFICATION SEAL.**

**01. Description of Seal.** ~~The Idaho seal must replicate the form and design of the example in Figure 1 and must be printed legibly and conspicuously. Certified operations which become certified for the first time prior to July 1, 2013 may continue to use the seal depicted in Figure 1. Certified operations which become certified for the first time July 1, 2013 and later may only use the seal in Figure 2.~~ ( )



**FIGURE 1**

(4-2-03)



**FIGURE 2**

( )

**02. Utilization of Seal.** The Idaho organic certification seal as approved by the director and as shown in Figure 1 and Figure 2, may be imprinted or affixed on labels, packages or products, or used in advertising in any manner, shall signify 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. (4-2-03)

**a.** Any container manufacturer may apply for authorization to imprint facsimiles of the ISDA organic certification seal on containers of organic products. (4-2-03)

b. Authorization granted to imprint facsimile seals shall be subject to review by the director on an annual basis, or more frequently if necessary. (4-2-03)

**201. --299. (RESERVED) REGISTRATION OF APPROVED MATERIALS**

The director may establish a list of registered branded materials for use in organic production, processing, or handling.

01. Registration. Registration is voluntary.

a. All applicants applying for registration of materials must submit the application to the Department on forms prescribed by the Department. ( )

b. An applicant for materials registration must demonstrate that the material meets the requirements and standards of the National Organic Program. Specifically, the material may not be a material prohibited for use in the production, processing or handling of organic products by 7 C.F.R. Section 205.105, and may not be otherwise prohibited for use in organic production, processing, or handling by the National Organic Program. ( )

02. Effect of Registration. The fact that a material is registered is not a guarantee that the registered material will be acceptable for use by certified organic producers, processors or handlers or other organic certifying agencies other than ISDA. ( )

03. Department Not Liable. The Department is not liable for any losses or damages that occur as a result of any person's use of any registered branded material. The Department is not liable for any losses or damages that result from delays that occur in the registration process due to lack of resources or expertise. ( )

04. Registration Fees. The Director may charge the following fees, which are nonrefundable and are not to exceed the stated amounts. ( )

a. Operations that hold a current approval from a reputable third part accredited material evaluation program such as the Environmental Protection Agency, an NOP Accredited Certifying Agent or ISO Guide 65 for the material(s) which it is seeking to register in Idaho must pay two hundred dollars (\$200) for an initial registration application fee, and two hundred dollars (\$200) each year thereafter for renewal of the registration. ( )

b. All other operations will be charged an initial registration application fee not to exceed five hundred dollars (\$500), and must pay an annual fee based on registered branded materials sales volume, not to exceed the following amounts:

<u>Annual Sales</u>	<u>Annual Fees</u>	
<u>\$0 to \$20,000</u>	<u>\$ 500</u>	
<u>\$20,001 to \$75,000</u>	<u>\$2,500</u>	
<u>\$75,000 and above</u>	<u>\$5,000</u>	( )

c. All operations must pay initial and annual inspection fees to keep their product registered.

05. Initial and Annual Inspection Fees. ( )

a. The hourly rate for inspections is fifty dollars (\$50), including travel time. ( )

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. ( )

c. There will be a minimum charge of fifty dollars (\$50) plus mileage for any inspection. ( )

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

e. A per diem, lodging and travel as allowed by state and ISDA rules, and any other out of pocket costs incurred by ISDA in conducting annual or initial certification inspections will be charged to the operation. ( )

f. Upon approval by ISDA, private inspectors may be utilized. The applicant or operator will bear the total cost of the private inspection. ( )

**06. Seal for Registered Branded Materials.** When a material is registered and added to the list of registered branded materials, the Director will approve the use of the seal in Figure 3 on the packaging and in the promotions for the sale of the registered material subject to the National Organic Program and Idaho state rules.



FIGURE 3

( )

**07. Revocation of Registration.** If at any time the registered material is determined to be not suitable for organic use, the Director may revoke the registration of the branded material, removed the material from the list of registered branded materials, and revoke authorization to use the seal shown in Rule 201.06. ( )