Agency: Washington State Dept. of Agriculture

Title of rule and other identifying information: (describe subject) Chapter 16-157 WAC, Organic food standards and certification.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Department is proposing to adopt the current version of the USDA organic regulations (7 CFR Part 205).

The current rule adopts the May 30, 2019, version of the USDA organic regulations. This proposal updates the language to adopt the July 26, 2021 version of the federal regulation in order to remain consistent with the National Organic Program.

Reasons supporting proposal: Updating this chapter will ensure the rule remains compliant with RCW 15.86.060(1), which directs the director to adopt rules "...appropriate for the adoption of the national organic program." Further, this change will ensure compliance with RCW 15.86.065(3), which states the program "shall not be inconsistent with the requirements of the national organic program."

The department adopts these national standards for organically-produced agricultural products in order to remain uniform with the National Organic Program. These standards assure consumers that products with the USDA organic seal meet consistent, uniform standards that are in compliance with federal regulations.

Statutory authority for adoption: RCW 15.86.060(1), .065(3), .065(4)

Statute being implemented: Chapter 15.86 RCW

Is rule necessary because of a:

- Federal Law? ☒ Yes ☐ No
- Federal Court Decision? ☐ Yes ☒ No
- State Court Decision? ☐ Yes ☒ No

If yes, CITATION: 7 CFR Part 205

Name of proponent: (person or organization) Washington State Dept. of Agriculture ☐ Private ☐ Public ☒ Governmental

Name of agency personnel responsible for:

<table>
<thead>
<tr>
<th>Name</th>
<th>Office Location</th>
<th>Phone</th>
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<tbody>
<tr>
<td>Drafting:</td>
<td>Scott Rice, PO Box 42560, Olympia, WA 98504-2560</td>
<td>(360) 359-3021</td>
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<td>Implementation:</td>
<td>Brenda Book, PO Box 42560, Olympia, WA 98504-2560</td>
<td>(360) 902-2090</td>
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<td>Enforcement:</td>
<td>Brenda Book, PO Box 42560, Olympia, WA 98504-2560</td>
<td>(360) 902-2090</td>
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Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

### Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- ☐ Relates only to internal governmental operations that are not subject to violation by a person;
- ☒ Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- ☐ Corrects typographical errors, makes address or name changes, or clarifies language of a rule without changing its effect;
- ☐ Content is explicitly and specifically dictated by statute;
- ☐ Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- ☐ Is being amended after a review under RCW 34.05.328.

### Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- ☐ The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- ☐ The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- ☐ The rule is no longer necessary because of changed circumstances; or
- ☐ Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

### Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4):

Adopting the current version of 7 CFR Part 205 meets the criteria for expedited adoption under RCW 34.05.353(1)(b) by adopting federal regulations.

### NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

Name: Gloriann Robinson, Agency Rules Coordinator  
Agency: Washington State Dept. of Agriculture  
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Other:  
AND RECEIVED BY (date) October 4, 2021

<table>
<thead>
<tr>
<th>Date: August 4, 2021</th>
<th>Signature:</th>
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<tbody>
<tr>
<td>Name: Steve Fuller</td>
<td></td>
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<tr>
<td>Title: Assistant Director</td>
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</table>
WAC 16-157-020 Adoption of the National Organic Program. The Washington state department of agriculture adopts the standards of the National Organic Program, 7 C.F.R. Part 205, effective May 30, 2019, for the production and handling of organic crops, livestock, and processed agricultural products. The National Organic Program rules may be obtained from the department by emailing the organic program at organic@agr.wa.gov, by phone at 360-902-1805 or accessing the National Organic Program's website at https://www.ams.usda.gov/rules-regulations/organic.