

CHAPTER 47
IOWA ORGANIC PROGRAM

21—47.1(190C) Iowa organic program. The department adopts by reference 7 CFR 205 Subchapter M—Organic Foods Production Act Provisions (April 21, 2001) and the following additional provisions which shall hereby be referred to as the department’s organic provisions.

21—47.2(190C) Exempt operations. Production or handling operations exempt from organic certification according to 7 CFR Section 205.101 shall:

1. Submit to the department a signed Exempt Party Declaration form, as provided by the department, attesting to knowledge of and compliance with Iowa Code chapter 190C and this chapter; and
2. Submit a processing fee as published by the department.

21—47.3(190C) Crops.

47.3(1) Split operations. Split operations shall be allowed. Segregation plans shall be developed and followed, and applicable logs shall be maintained for organic and nonorganic crops. The operation shall maintain, but not be limited to, the documents and logs addressing the following procedures: equipment cleaning, spraying, purging, separate storage and separate transportation. Appropriate physical facilities, machinery and management practices shall be established to prevent commingling of nonorganic and organic products or contamination by prohibited substances.

47.3(2) Buffer zone.

a. Requirements.

- (1) If crops are grown in a buffer zone, such crops shall not be labeled, sold or in any way represented as organic.
- (2) Crops harvested from buffer zones shall be kept separate from organic crops, and appropriately designated storage areas shall be clearly identified and records maintained to sufficiently identify the disposition of nonorganic product.

b. Recommendations.

- (1) A minimum of 25 feet is recommended as a buffer zone between certified organic crops and areas treated with prohibited substances.
- (2) Planting windbreaks and hedgerows is encouraged to help reduce spray drift from neighboring farms and wind damage to crops.
- (3) It is recommended that the producer notify neighbors, county roadside management officials, railroads, utility companies and other potential sources of contaminants. It is recommended that the producer provide such individuals with maps of organic production areas, request individuals not to spray adjacent areas, and request to be informed if prohibited materials are applied to land adjacent to organic production areas.

- (4) Place “no-spray” or “organic farm” signs where appropriate, e.g., roadways and access areas.

47.3(3) Drift.

a. The party in control of the site shall notify the department’s organic program of suspected pesticide drift incidences onto certified organic land or land which is under consideration for organic certification. The department may require residue testing to make a determination regarding certification.

b. In the case of drift, the affected party may file a complaint under Iowa Code section 206.14 with the department’s pesticide bureau.

47.3(4) Runoff and flooding.

a. Records shall be kept regarding land that is subject to runoff or flooding.

b. The department may require testing to make a determination regarding certification.

47.3(5) Rotations. For the production of annual crops, rotations are required for soil improvement and disruption of weed, insect, disease and nematode cycles. A crop rotation including, but not limited to, sod, legumes or other nitrogen-fixing plants, and green manure crops shall be established.

a. Annual agronomic crops (row crops and small grain crops).

(1) Crops of the same species or family shall not be grown repeatedly without interruption on the same field or plot.

(2) Soil-building period. It is recommended that each field or plot be planted in and achieve a viable stand of a solid-seeded (non-row), soil-building legume crop or crop mixture that includes at least one legume species and that the field or plot be maintained a minimum of one year out of a five-year period. During this soil-building period, the producer may maintain the soil-building crop through the crop's growing period to maturity or until the crop achieves its optimal soil-building characteristics. Soil-building crops may be used as winter cover or plow-down in fall. Some examples of soil-building practices include the following:

1. Plant and harvest a small grain crop with the solid-seeded crop mixture identified above; e.g., plant oats and alfalfa in the spring and harvest oats in the summer;

2. Maintain the solid-seeded crop mixture identified above for more than one season; e.g., alfalfa established in one season may be maintained and harvested for successive years if desired; or

3. Harvest the solid-seeded crop mixture identified above prior to its incorporation into the soil; e.g., harvest oats and alfalfa mixture in the summer prior to incorporation into the soil at a later time.

b. Annual horticultural crops (fruit, vegetable, and herb crops).

(1) Crops of the same species or family shall not be grown repeatedly without interruption on the same field or plot.

(2) Soil-building period. It is recommended that each field or plot be planted in and achieve a viable stand of a solid-seeded (non-row), soil-building legume crop or crop mixture that includes at least one legume species and that the field or plot be maintained a minimum of one year out of a five-year period. During this soil-building period, the producer may maintain the soil-building crop through the crop's growing period to maturity or until the crop achieves its optimal soil-building characteristics. Soil-building crops may be used as winter cover or plow-down in fall. Some examples of soil-building practices include the following:

1. Plant and harvest a small grain crop with the solid-seeded crop mixture identified above; e.g., plant oats and alfalfa in the spring and harvest oats in the summer;

2. Maintain the solid-seeded crop mixture identified above for more than one season; e.g., alfalfa established in one season may be maintained and harvested for successive years if desired; or

3. Harvest the solid-seeded crop mixture identified above prior to its incorporation into the soil; e.g., harvest oats and alfalfa mixture in the summer prior to incorporation into the soil at a later time.

(3) It is recommended that the producer make an effort to establish a rotation sequence where crops of the same species or family, e.g., Solanaceae family: tomatoes, peppers, potatoes, and eggplant, are not planted in the same field or plot in consecutive years.

c. Perennials. Perennial systems shall include a plan for biodiversity in the system and a soil-building program, including the use of cover crops, mulches, grass cover and a soil-building legume crop mixture.

(1) It is strongly recommended that, at the end of a perennial crop life cycle that exceeds four years, the field or plot be planted in a solid-seeded (non-row) soil-building legume crop or crop mixture which includes at least one legume species, achieves a viable stand, and is maintained for a minimum of one year prior to planting another perennial crop.

(2) Replacement of individual plants within a perennial crop stand is permissible.

(3) Rescinded IAB 10/29/03, effective 12/3/03.

d. Crop rotation variance. Rescinded IAB 10/29/03, effective 12/3/03.

21—47.4(190C) Livestock.

47.4(1) Split operations. Split operations shall be allowed, but segregation plans and applicable records must be followed and documented.

a. All animals in both the nonorganic and organic herds shall be uniquely identified, and detailed records on the origin and production history of each animal shall be kept.

b. In poultry production, nonorganic and organic flocks shall be kept in separate, clearly marked facilities.

c. Each storage facility for feed, grain, or any other controlled input shall be clearly marked “nonorganic” or “organic.”

d. Appropriate physical facilities, machinery and management practices shall be established to prevent commingling of nonorganic livestock and livestock products with organic livestock products or contamination by prohibited substances.

47.4(2) Pasture.

a. Requirement. Pastures shall be managed to minimize risk of contamination by prohibited substances.

b. Recommendation. The establishment of livestock fence located an appropriate distance inward from the pasture border to prevent border grazing or a solid-stand windbreak along the pasture border is recommended.

c. Disqualification. Evidence that the pasture has been contaminated with a prohibited substance shall result in disqualification of that pasture. The livestock or offspring may be disqualified if allowed to continue to graze pasture that has been disqualified.

21—47.5(190C) Use of state seal. For the promotion or sale of organic products, only those producers, handlers and processors certified as organic by the department are entitled to utilize the state seal attesting to state of Iowa organic certification.

21—47.6(190C) General requirements. In order to receive and maintain organic certification from the department, producers, processors and handlers of organic agricultural products shall apply for organic certification with the department and submit all required materials; comply with Iowa Code chapter 190C and this chapter; permit the department to access the operation and all applicable records as deemed necessary; comply with all local, state and federal regulations applicable to the conduct of such business; and submit all applicable fees to the department pursuant to Iowa Code section 190C.5(1) as amended by 2003 Iowa Acts, House File 600, and this chapter.

47.6(1) Application for state organic certification.

a. Application for state certification shall be completed and submitted with required application materials and fees to the department on forms furnished by the department. Applications submitted to the department after the published deadline date may be charged late fees for application and inspection, and the processing of such applications may be subject to delays or the applications may not be processed at all.

b. The applicant shall inform the department of changes to the organic plan which may affect the conformity of the operation to the certification standards at any time during the certification process and after such certification is granted.

c. The state-certified party shall inform the department of any changes in the organic plan, such as production changes or intended modification to the product(s) or manufacturing process which may affect the conformity of the operation to the certification standards. If such is the case, the certified party may not be allowed to release such products as certified organic products bearing the state seal until the department has given approval to do so.

d. The certified party shall keep a record of all complaints made known to that party relating to a product’s compliance with requirements to the relevant standard and shall make these records available to the department upon request. The certified party shall take appropriate action with respect to such complaints and any deficiencies found in products or services that affect compliance with the requirements for certification, and all such actions shall be documented and available upon request by the department.

e. Records of inputs applied to nonorganic fields or livestock split or parallel operations shall be maintained and made available during inspections. This applies to all fields in the operation whether leased or owned.

47.6(2) Reserved.

21—47.7(190C) Document review. Rescinded IAB 10/29/03, effective 12/3/03.

21—47.8(190C) Certification agent.

47.8(1) The department shall serve as certification agent on behalf of and as authorized by the secretary of agriculture pursuant to Iowa Code section 190C.3 as amended by 2003 Iowa Acts, House File 600.

47.8(2) Scope of certification. Contingent upon USDA accreditation, the department may inspect and certify organic production and handling operations located outside of the state. The intent of the department is to facilitate continuity of certification services to Iowa-based farms or businesses, or when the county in which the applicant resides is contiguous to the state. Consideration may be given to other out-of-state applicants. The department may seek accreditation from USDA to provide certification services in Iowa and other states where necessary.

ADMINISTRATIVE

21—47.9(190C) Fees. Fees are established for application, inspection, and certification to support costs associated with activities necessary to administer this program pursuant to Iowa Code sections 190C.5(1) to 190C.5(3) as amended by 2003 Iowa Acts, House File 600. The applicant shall submit all fees to the department for the specific amount and at the appropriate time as specified in this rule. A schedule of application, inspection and certification fees shall be published by the department and disseminated with the application packet.

47.9(1) *Application fee.* The application fee shall accompany the application for certification. An additional late fee shall accompany applications submitted after the published deadline date.

47.9(2) *Inspection fee.* An inspection fee shall be paid by all on-farm production operations; on-farm processing operations; off-farm and nonfarm processing operations; and handling operations. This fee covers the cost of providing the inspection. A base inspection fee will be listed on the fee schedule provided to each applicant; however, if the actual cost of the inspection exceeds the amount listed, the applicant shall be required to pay the balance.

a. An inspection fee shall be assessed to the producer, processor or handler if additional inspections are conducted due to the necessity of a follow-up inspection in the same year or due to the inspection of distinct multiple production or processing sites.

b. The inspection fee shall be submitted after the application has been reviewed to determine that all necessary documents have been provided.

47.9(3) *Certification fees.* Certification fees may be adjusted annually pursuant to Iowa Code section 190C.5(2) as amended by 2003 Iowa Acts, House File 600. The certification fee is assessed annually.

21—47.10(190C) Compliance.

47.10(1) *Enforcement and investigations.* The department and the attorney general shall enforce Iowa Code chapter 190C and this chapter pursuant to Iowa Code section 190C.21 as amended by 2003 Iowa Acts, House File 600.

47.10(2) *Complaints.* Any person may submit a written complaint to the department regarding a suspected violation of Iowa Code chapter 190C and this chapter pursuant to Iowa Code section 190C.22(2) as amended by 2003 Iowa Acts, House File 600. Such signed complaints shall be submitted on the required form provided by the department upon request.

47.10(3) *Inspection and testing, reporting and exclusion from sale—unscheduled inspection.* All parties making an organic claim may be subject to an unscheduled on-site inspection, review of records and sampling if deemed necessary by the department pursuant to Iowa Code sections 190C.22(3), 190C.22(4), and 190C.24(1) as amended by 2003 Iowa Acts, House File 600, to verify compliance.

47.10(4) *Adverse action appeal process.*

a. *Appeals.* Appeal procedures are established pursuant to Iowa Code section 190C.3(6) under 21—Chapter 2. The department may receive and process appeals regarding organic certification to the extent authorized by the national organic program. Procedures and restrictions concerning the hearing of appeals shall apply.

b. Written appeal. Except as specifically provided in the Iowa Code or elsewhere in the Iowa Administrative Code, a person who wishes to appeal an action or proposed action of the department which adversely affects the person shall file a written appeal with the department within 30 calendar days of the action or notice of the intended action. A written notice of appeal shall be considered filed on the date of the postmark if the notice is mailed. The failure to file timely shall be deemed a waiver of the right to appeal.

c. Records. Records of all appeals, complaints and disputes, and remedial actions relative to certification shall be maintained by the department for a minimum of ten years. Records shall include documentation of appropriate subsequent action taken and its effectiveness.

21—47.11(190C) Regional organic associations (ROAs). The department may register and authorize a regional organic association to assist the department by providing application assistance to the association's members requesting application assistance.

47.11(1) Registration. If authorized by the department, regional organic associations shall be registered by the department in order to assist the department.

a. Registration. Regional organic associations shall register annually. To register with the department, the regional organic association shall submit the following:

- (1) Names and addresses of a minimum of 25 members;
- (2) A signed regional organic association declaration as provided by the department;
- (3) The bylaws and ongoing changes to the bylaws; and
- (4) Verification of regional organic association liability insurance.

b. Authorization. For authorization to be granted, the following requirements shall be met:

- (1) The regional association shall sign a memorandum of understanding with the department specifying functions to be performed by the association related to application assistance; and
- (2) The regional association shall receive from the department a letter of authorization to provide application assistance.

47.11(2) Functions.

a. Authorized ROAs, reviewing member application materials for submission to the department, shall:

- (1) Provide to the department and the board a summary of the member's application;
- (2) Identify any unresolved shortcomings in the application; and
- (3) Indicate if the application appears to meet the Iowa organic standards promulgated in Iowa Code chapter 190C and this chapter.

b. Requirements.

- (1) Application assistance provided by ROAs shall be conducted by association staff or association board members; and
- (2) Application materials received by the ROA for submission to the department shall be forwarded along with the summary to the department. The application fee for state organic certification shall be paid with a check made payable to the department by the individual member applying for state certification. The check shall be submitted with the application.

47.11(3) Prohibited.

a. ROA staff or ROA board members providing application assistance for their members shall have no personal or commercial interest in the outcome of a member's application for state certification.

b. ROAs shall not amend member documents prior to submitting them to the department.

21—47.12(190C) Private certification organizations (PCOs) and other state certification agencies. Rescinded IAB 10/29/03, effective 12/3/03.

These rules are intended to implement Iowa Code chapter 190C as amended by 2003 Iowa Acts, House File 600.

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