

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. Rescinded **ARC 3611C**, IAB 1/31/18, effective 3/7/18.

21—47.3(190C) Drift. 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. In the case of drift, the affected party may file a complaint under Iowa Code section 206.14 with the department’s pesticide bureau.

[**ARC 3611C**, IAB 1/31/18, effective 3/7/18]

21—47.4(190C) Livestock. Rescinded **ARC 3611C**, IAB 1/31/18, effective 3/7/18.

21—47.5(190C) Recognition. 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 Iowa Organic Program seal attesting to state of Iowa organic certification.

[**ARC 3611C**, IAB 1/31/18, effective 3/7/18]

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) and this chapter.

47.6(1) Application for organic certification.

a. Application for 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 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.

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.

47.6(2) Reserved.

[**ARC 3611C**, IAB 1/31/18, effective 3/7/18]

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.

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.

[ARC 3611C, IAB 1/31/18, effective 3/7/18]

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). 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). The certification fee is assessed annually.

[ARC 3611C, IAB 1/31/18, effective 3/7/18]

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 chapter 190C.

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). 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) 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.
[ARC 3611C, IAB 1/31/18, effective 3/7/18]

21—47.11(190C) Regional organic associations (ROAs). Rescinded ARC 3611C, IAB 1/31/18, effective 3/7/18.

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.

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