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TITLE 375 COMMISSIONER OF AGRICULTURE

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DIGEST

Adds 375 IAC as a new title to establish rules for organic food and livestock production in Indiana and address inspection, labeling, certification, marketing, processing, and other aspects of organic farming. Effective 30 days after filing with the secretary of state.

375 IAC

SECTION 1. 375 IAC IS ADDED TO READ AS FOLLOWS:

TITLE 375 COMMISSIONER OF AGRICULTURE

ARTICLE 1. INDIANA ORGANIC CERTIFICATION STANDARDS

Rule 1. General Provisions

375 IAC 1-1-1 Definitions

Authority: IC 15-4-12-16

Affected: IC 15-4-12

Sec. 1. (a) The definitions in this rule apply throughout this title.

(b) “Accreditation” refers to the review by the Indiana organic peer review panel and approval by the commissioner of certifying agents operating in Indiana to ensure that the certifying agent is in compliance with Indiana organic standards and the requirements of IC 5-4-12-16 [sic., IC 15-14-12-16]. Accreditation by the commissioner is not a replacement for United States Department of Agriculture accreditation required by the Organic Foods Production Act of 1990, 7 U.S.C. 94, Section 6501, et seq.

(c) “Agricultural product” means any agricultural commodity or product, whether raw or processed, including any commodity or product derived from livestock that is marketed in the United States for human or livestock consumption.

(d) “Botanical pesticides” means natural pesticides derived from plants.

(e) “Certified organic farm” means a farm, or portion of a farm, or site where agricultural products or livestock are produced, that is certified by the certifying agent (as defined in IC 15-4-12-2) pursuant to this rule as utilizing a system of organic farming in compliance with the Indiana organic standards.

(f) “Certified organic handling operation” means any operation, or portion of any handling operation, that is certified by the certifying agent pursuant to this rule as utilizing a system of organic handling in compliance with the Indiana organic standards.

(g) “Commissioner” means the Indiana commissioner of agriculture.

(h) “Compost” means a process that creates conditions that facilitate the controlled decomposition of organic matter into a more stable and easily handled soil amendment, usually by piling, aerating, and moistening, or the product of such a process.

(i) “Crop year” means the normal growing season for a crop.

(j) “Genetically engineered” means made with techniques that alter the molecular or cell biology of an organism by means that are not possible under natural conditions or processes. Genetic engineering includes the following:

- (1) Recombinant DNA and RNA techniques.
- (2) Cell fusion.
- (3) Micro and macro encapsulation.
- (4) Gene deletion and doubling.
- (5) Introducing a foreign gene.
- (6) Changing the positions of genes.

The term shall not include breeding, conjugation, fermentation, hybridization, in vitro fertilization, and tissue culture unless transgenic organisms are involved.

(k) “Handle” means to sell, process, or package agricultural products.

(l) “Handler” means any person engaged in the business of handling agricultural products, except that the term shall not include final retailers of agricultural products that do not process agricultural products.

(m) “Handling operation” means any operation or portion of an operation (except final retailers of agricultural products that do not process agricultural products) that:

- (1) receives or otherwise acquires agricultural products; and
- (2) processes, repackages, or stores such products.

(n) “Indiana organic standards” means the standards set forth in this title that are required of an agricultural product to be sold or labeled as an organically produced agricultural product under this title. These standards include the following:

- (1) The agricultural product must have been produced and handled without the use of synthetic chemicals, except as otherwise provided in this title.
- (2) The agricultural product must not have been produced on land to which any prohibited substances, including synthetic chemicals, have been applied during the three (3) years immediately preceding the harvest of the agricultural products, except as otherwise provided in this title.
- (3) The agricultural product must have been produced and handled in compliance with an organic plan agreed to by the producer and handler of such product and the certifying agent.

(o) “Livestock” means any cattle, sheep, goats, poultry, swine, or equine animals used for food or in the *[sic.]* of food, fish used for food, wild or domesticated game, or other nonplant life.

(p) “National List” means the list of approved and prohibited substances as provided for in the Organic Foods Production Act of 1990, 7 U.S.C. 94, Section 6501, et seq.

(q) “Organic” and “organically produced” has the meaning set forth in IC 15-4-12-4. Organically produced means an agricultural product that is produced and handled in accordance with this title, IC 15-4-12.

(r) “Organic plan” means a plan of management of an organic farming or handling operation that has been agreed to by the producer or handler and the certifying agent and that includes written plans concerning all aspects of agricultural production or handling described in the Indiana organic standards, including crop rotation and other practices as required under this rule and the Organic Foods Production Act of 1990, 7 U.S.C. 94, Section 6501, et seq.

(s) “Organically processed food” means food which, in its processing, has not been treated with synthetically derived preservatives, colorings, flavorings, or any other artificial or synthetic additives unless placed on the National List. In addition, the term defines food that has been processed in an inspected facility that meets all the standards set forth by the panel for food processors.

(t) “Panel” means the Indiana organic peer review panel established under IC 15-4-12-9.

(u) “Person” means:

- (1) an individual;
- (2) a group of individuals;
- (3) a corporation;
- (4) an association;
- (5) a limited liability entity;
- (6) a cooperative; or
- (7) other entity.

(v) "Pesticide" means any substance, which alone, in chemical combination, or in any formulation with one (1) or more substances, is defined as a pesticide in the federal Insecticides and Environmental Pesticide Control Act (7 U.S.C. Subchapter II, Section 136).

(w) "Processing" means cooking, baking, heating, drying, mixing, grinding, churning, separating, extracting, cutting, fermenting, eviscerating, preserving, dehydrating, freezing, or otherwise manufacturing, and includes packaging, canning, jarring, or otherwise enclosing food in a container.

(x) "Producer" means a person who engages in the business of growing or producing food, livestock, feed, or fiber.

(y) "Secretary" means the Secretary of the United States Department of Agriculture.

(z) "State organic program" means a program that:

- (1) meets the requirements of the Organic Foods Production Act of 1990, 7 U.S.C. 94, Section 6501, et seq.;
- (2) is approved by the Secretary; and
- (3) is designed to ensure that a product that is sold or labeled as organically produced under this title is produced and handled using organic methods.

(aa) "Synthetic" means a substance that is formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources, except that such term shall not apply to substances created by naturally occurring biological processes unless such processes involve transgenic organisms or substances.

(bb) "System of organic handling" means a system that is designed to handle agricultural products without the use of synthetic additives, aids, or ingredients that are used during processing, packaging, or storing agricultural products in accordance with this title and by the use of methods and substances that maintain the integrity of organic agricultural products until they reach the consumer. *(Commissioner of Agriculture; 375 IAC 1-1-1; filed Jun 15, 2001, 11:46 a.m.: 24 IR 3628)*

375 IAC 1-1-2 Official marks

Authority: IC 15-4-12-16

Affected: IC 15-4-12

Sec. 2. (a) The marks and certificates prescribed or referenced in this title shall be official marks, devices, and certificates for purposes of the panel and shall be used in accordance with this title and IC 15-4-12.

(b) The following marks shall be used for labeling and identifying agricultural products as certified organic:

- (1) Certified Organic.
- (2) Organically Produced in Indiana.
- (3) Indiana Organically Produced.
- (4) Grown and Handled in Accordance with Indiana Organic Standards.

(c) The official Indiana organic seal is to be adopted by the panel. *(Commissioner of Agriculture; 375 IAC 1-1-2; filed Jun 15, 2001, 11:46 a.m.: 24 IR 3629)*

Rule 2. Administration and Accreditation

375 IAC 1-2-1 Accreditation required

Authority: IC 15-4-12-16

Affected: IC 15-4-12-1; IC 15-4-12-3

Sec. 1. (a) No person shall be authorized to certify in Indiana as organic any product or any production regulated by this title as organic or certified organic without first having been accredited as a certifying agent by the commissioner (as defined in IC 15-4-12-3) pursuant to this title.

(b) Accreditation is not transferable or assignable and shall be issued only to the applicant (as defined in IC 15-4-12-1) named in the application. *(Commissioner of Agriculture; 375 IAC 1-2-1; filed Jun 15, 2001, 11:46 a.m.: 24 IR 3629)*

375 IAC 1-2-2 Accreditation procedures; certifying agents

Authority: IC 15-4-12-16

Affected: IC 15-4-12

Sec. 2. (a) All persons desiring to be accredited as a certifying agent must be reviewed by the panel and be accredited by the commissioner to conduct certification and must be accredited by the United States Department of Agriculture under the Organic Foods Production Act of 1990, 7 U.S.C. 94, Section 6501, et seq.

(b) Any person seeking accreditation by the commissioner shall submit to the panel for review and recommendation to the commissioner a completed application on forms approved by the panel, together with all required supporting documentation including, but not limited to, verification of accreditation by the United States Department of Agriculture under the Organic Foods Production Act of 1990, 7 U.S.C. 94, Section 6501, et seq.

(c) Each application for accreditation shall include the inspector qualification criteria, as well as names and specific qualifications of all inspectors who have been employed or retained by the certifying agent to verify compliance with organic accreditation standards. *(Commissioner of Agriculture; 375 IAC 1-2-2; filed Jun 15, 2001, 11:46 a.m.: 24 IR 3630)*

375 IAC 1-2-3 Relationship between inspectors and certifying agents

Authority: IC 15-4-12-16

Affected: IC 15-4-12

Sec. 3. (a) Certifying agents shall employ or retain sufficient numbers of competent, experienced personnel to:

- (1)** inspect the operations and premises of producers and handlers seeking organic certification; and
- (2)** report to the certifying agent the extent and manner in which the producer or handler has implemented and complied with organic accreditation standards.

(b) The relationship between inspector and certifying agent is one of confidence. The certifying agent and the inspector shall maintain strict confidentiality with respect to producers and handlers and may not disclose to third parties (except the panel or commissioner) any business related information concerning such producer or handler obtained while implementing this title.

(c) Each certifying agent and each inspector must be demonstrably impartial and independent and undertake inspection and certification of compliance with the Indiana organic certification standards in a fair and impartial manner.

(d) No inspector, certifying agent, nor any employee of any certifying agent may do the following:

- (1)** Be a party to any transaction involving the certified products, provided, however, that the certifying agent's employees and any inspector may be a retail purchaser and consumer of the certified products.
- (2)** Be an employee of or have any financial interest in, directly or indirectly, any party to any transaction involving the certified products.
- (3)** Have been employed by or have been a party to a contract with the producer seeking certification in the year prior to the commencement of the certification year, or be employed by or enter into any contract with the producer in the year following the certification year.
- (4)** Provide any advice except to help the producer meet standards and improve organic production techniques.
- (5)** Solicit or receive anything of value for the provision of any service or consultation at any time within the certification year. The solicitation or receipt of anything of value for the provision of any service or consultation in violation of this rule

constitutes grounds for revocation of accreditation of the certifying agent and revocation of the right to use the Indiana certified organic mark.

(Commissioner of Agriculture; 375 IAC 1-2-3; filed Jun 15, 2001, 11:46 a.m.: 24 IR 3630)

375 IAC 1-2-4 Certifying agents; duties and responsibilities

Authority: IC 15-4-12-16

Affected: IC 15-4-12

Sec. 4. (a) The certifying agent shall do the following:

- (1) Implement the Indiana organic standards.**
- (2) Verify adherence by certified organic producers and handlers to the Indiana organic certification standards through peer and/or expert evaluation and third party inspectors.**
- (3) Accept or reject the certification inspector's recommendation to certify or refuse to certify applicant producers or handlers.**
- (4) Administer the organic certification program, including the following:**
 - (A) The employment or retention of inspectors.**
 - (B) Scheduling visits.**
 - (C) All necessary documentation and record keeping.**
 - (D) Ensuring that all documents are forwarded to appropriate offices.**

The certifying agent shall maintain all records concerning its activities under this title for not less than ten (10) years.

- (5) Prepare and submit an application to the commissioner for accreditation.**
- (6) Execute an accreditation agreement with the commissioner and grant rights to use the Indiana certified organic mark to certified producers and handlers in accordance with organic labeling procedures as described in this title.**
- (7) Ensure that the use of the Indiana certified organic mark complies with this title.**
- (8) Provide to the commissioner, on an annual basis, a complete list of all certified operations.**
- (9) Provide to the commissioner a list of newly certified operations within fourteen (14) days of certification.**
- (10) Employ or retain a sufficient number of qualified inspectors to carry out certification in a timely manner.**
- (11) Provide to the commissioner a list of all operations whose certification has been denied, revoked, or is in an appeals process within fourteen (14) days of the denial, revocation, or request for appeal.**

(b) To maintain accreditation under this title, a certifying agent must do the following:

- (1) Require that an agricultural product to be sold or labeled as organically produced must be produced only on certified organic farms and handled only through certified organic handling operations in accordance with this title.**
- (2) Require that producers and handlers desiring to participate under such programs establish an organic plan under this title.**
- (3) Follow procedures that allow producers and handlers to appeal an adverse administrative determination under this title.**
- (4) Require each certified organic farm or certified organic handling operation to certify to the certifying agent on an annual basis that such farm or handler has not produced or handled any agricultural product sold or labeled as organically produced except in accordance with this title.**
- (5) Provide for annual on-site inspection by the certifying agent of each farm and handling operation that has been certified by such agent under this title.**
- (6) Require periodic random residue testing by certifying agents of agricultural products that have been produced on certified organic farms and handled through certified organic handling operations to determine whether such products contain any pesticide or other nonorganic residue or natural toxicants.**
- (7) To the extent that certifying agents are aware of a violation of applicable laws relating to food safety, report such violation to the appropriate health agencies.**
- (8) Follow appropriate and adequate enforcement procedures as determined by the panel to be necessary and consistent with this title.**
- (9) Protect against conflict-of-interest as specified under the Organic Foods Production Act of 1990, 7 U.S.C. 94, Section 6501, et seq.**
- (10) Provide for public access to certification documents and laboratory analyses that pertain to certification.**
- (11) Provide for the collection of reasonable fees from producers and handlers who participate in such program.**
- (12) Require such other terms and conditions as may be determined by the panel to be necessary.**

(c) A certifying agent may provide for the certification of an entire farm or handling operation or specific fields of a farm or parts of a handling operation if:

- (1) in the case of a farm or field, the area to be certified has distinct, defined boundaries and buffer zones separating that land being operated through the use of organic methods from land that is not being operated through the use of such methods;
- (2) the operators of such farm or handling operation maintain records of all organic operations separate from records relating to other operations and make such records available at all times for inspection by the Secretary, the certifying agent, and the commissioner;
- (3) appropriate physical facilities, machinery, and management practices are established to prevent the possibility of a mixing of organic and nonorganic products or a penetration of prohibited chemicals or other substances on the certified area; and
- (4) provide for reasonable exemptions from specific requirements of this title with respect to agricultural products produced on certified organic farms if such farms are subject to a federal or state emergency pest or disease treatment program.

(d) Whenever there is a reason to suspect contamination, the certifying agent shall utilize a system of residue testing to test products sold or labeled as organically produced under this title to assist in the enforcement of this title.

(e) The certifying agent may require preharvest tissue testing of any crop grown on soil suspected of harboring contaminants.

(f) If the Secretary, the commissioner, or the certifying agent determines that an agricultural product sold or labeled as organically produced under this title contains any detectable pesticide or nonorganic residue or prohibited natural substance, the Secretary, the commissioner, or the certifying agent shall conduct an investigation to determine if the organic certification program has been violated and may require the producer or handler of such product to prove that any prohibited substance was not applied to such product.

(g) If, as determined by the Secretary, the commissioner, or the certifying agent, the investigation indicates that the residue is the result of intentional application of a prohibited substance and present at levels that are greater than unavoidable residual environmental contamination as prescribed by the Secretary or the commissioner in consultation with the appropriate environmental regulatory agencies, such agricultural product shall not be sold or labeled as organically produced under this title.

(h) Producers who operate a certified organic farm or handling operation under this title shall maintain records for five (5) years concerning the production or handling of agricultural products sold or labeled as organically produced under this title, including the following:

- (1) A detailed history of substances applied to fields or agricultural products.
- (2) The names and addresses of persons who applied such substances, the dates, the rate, and method of application of such substances.

(i) If a production or handling practice is not prohibited or otherwise restricted under this title, such practice shall be permitted unless it is determined that such practice would be inconsistent with the applicable organic certification program.

(j) Subsection (b) shall not apply to agricultural products that contain less than fifty percent (50%) organically produced ingredients by weight, excluding water and salt, to the extent that the United States Department of Agriculture has determined to permit the word "organic" to appear on the ingredient listing panel to describe those ingredients that are organically produced in accordance with this title. *(Commissioner of Agriculture; 375 IAC 1-2-4; filed Jun 15, 2001, 11:46 a.m.: 24 IR 3630)*

375 IAC 1-2-5 Certification inspectors; duties and responsibilities

Authority: IC 15-4-12-16

Affected: IC 15-4-12

Sec. 5. (a) The certification inspector shall do the following:

- (1) Inspect applicants for initial review and organic certification in accordance with the Indiana organic standards in this

title. Inspections shall be completed in a timely fashion following the receipt by the certifying agent of a completed application.

(2) Report to the certifying agent his or her recommendations concerning applicants for organic certification. Recommendations shall be signed and dated by the inspector on forms approved by the panel. These forms shall be submitted to the certifying agent promptly upon completion of the inspection.

(b) Prior to the commencement of a harvest, the inspector shall, before the harvest begins, do the following:

(1) Visit at least one-third ($\frac{1}{3}$) of the total fields on the farm and at least one (1) field of each crop to be certified on the farm and verify that practices conform to the Indiana certified organic standards and to written information in the application. The fields to be visited are to be picked at random at the discretion of the inspector unless otherwise instructed by the certifying agent.

(2) Examine postharvest handling facilities, evaluate the producer's management skills and organizational ability, inventory materials, and ensure that all equipment available for weed control and other necessary activities is capable of doing the job required at the scale proposed.

(3) Discuss potential problems and possible solutions with an emphasis on product quality, audit trailing, and organic crop improvement.

(4) Report to and/or meet with the certifying agent.

(Commissioner of Agriculture; 375 IAC 1-2-5; filed Jun 15, 2001, 11:46 a.m.: 24 IR 3632)

375 IAC 1-2-6 Denial, suspension, and revocation of accreditation and certification

Authority: IC 15-4-12-16

Affected: IC 4-21.5-3; IC 15-4-12

Sec. 6. (a) The commissioner may take any of the following actions with respect to an applicant for accreditation or an accredited certifying agent on any of the grounds listed in subsection (c):

(1) Issue a letter of correction.

(2) Issue a probationary accreditation.

(3) Deny accreditation.

(4) Deny the renewal of accreditation.

(5) Suspend accreditation.

(6) Revoke accreditation.

(7) Issue a stop-sales on product suspected to be knowingly mislabeled "organic" and/or grown or handled in a manner not in compliance with this title.

(b) The certifying agent may take any of the following actions with respect to an applicant for organic certification or a certified organic producer or handler:

(1) Issue a letter of correction.

(2) Issue a probationary certification.

(3) Deny certification.

(4) Deny the renewal of certification.

(5) Suspend certification.

(6) Revoke certification.

(c) Following the procedures referenced in IC 4-21.5-3, the commissioner may take action under subsection (a) on any of the following grounds:

(1) Violation of IC 15-4-12 or this title.

(2) The knowing provision of false information to the commissioner or panel.

(3) The false or negligent certification of any farming or handling operation that does not meet the terms and conditions of the Indiana organic standards.

(4) Violation of the Organic Foods Production Act of 1990, 7 U.S.C. 94, Section 6501, et seq.

(d) Following written notice and opportunity to respond, the certifying agent may take action on any of the following grounds:

(1) Violation of IC 15-4-12 or this title.

(2) The knowing provision of false information to the certifying agent or inspector.

(3) The knowing provision of false information to the commissioner or panel.
(Commissioner of Agriculture; 375 IAC 1-2-6; filed Jun 15, 2001, 11:46 a.m.: 24 IR 3632)

Rule 3. Farm Certification Standards

375 IAC 1-3-1 Organic certification

Authority: IC 15-4-12-16

Affected: IC 15-4-12

Sec. 1. (a) Certification may be of an entire farm or handling operation, or of specified fields or parts of a handling operation.

(b) In the case of a farm or field, the area to be certified must have distinct, defined boundaries and buffer zones separating the land being operated through the use of organic methods from land that is not being operated through the use of organic methods.

(c) No agricultural product may be labeled or sold as organic or certified organic, or Indiana certified organic in Indiana unless it has been produced only on certified organic farms and handled only through certified organic handling operations in accordance with this title except for United States Department of Agriculture approved processing of livestock products.

(d) No agricultural product can be labeled or sold as organic or certified organic, or Indiana certified organic in Indiana, nor may any farm be certified organic by a certifying agent if the same agricultural product is also produced elsewhere on the farm using the methods or materials that do not conform to the Indiana organic certification standards, or if the same agricultural product is handled elsewhere within the handling operation, unless the producer or handler can clearly demonstrate to the certifying agent that there exist both the physical facilities and the organizational ability to ensure that there is no possibility of crop product mixing or the penetration of prohibited chemicals or other substances into the certified area. This criterion also applies where uncertified agricultural products are produced by the same producer on another farm unit or are purchased for resale.

(e) A farm or field can be certified organic only if there has been no use of pesticides or nonapproved methods and/or materials during the three (3) consecutive years before harvest.

(f) Each certified organic farm or each certified organic handling operation shall certify to the certifying agent on an annual basis that such farm or handling operation has not produced or handled any agricultural produce sold or labeled as organically produced, except in accordance with the Indiana organic standards.

(g) In cases where an adjoining farm or field is not being operated through the use of organic methods, or there is another possibility of pesticide contamination, there must be adequate physical barriers or a twenty-five (25) foot (seven and six-tenths (7.6) meter) minimum distance between the farm or field being operated through the use of organic methods and the farm or field not being operated through the use of organic methods to maintain the integrity of certified organic fields. When contamination of the certified organic farm or field is suspected based upon articulable facts, the certifying agent may require residue testing.

(h) Complete information describing at least three (3) most recent years' production methods and materials, as well as information about current production practices, must be provided. The applicant for certification must also furnish an outline of the organic farm plan directed at achieving strict compliance with this title.

(i) To be certified organic, a farm or field must be managed in accordance with this title using approved methods and materials.

(j) Only crops harvested after the inspection visit are eligible for certification status during the first twelve (12) months in which organic certification is granted. Farms with pending applications for recertification shall be entitled to label and sell agricultural products as certified organic for a full year following the certification agent's first decision in favor of certification. This one (1) year period may be extended by an additional thirty (30) days by the agent if necessary to complete the certification review.

(k) In cases of suspected deliberate contamination, and following a request from the certification agent, the inspector shall have the right to make reasonable unannounced visits, take samples, and/or require residue tests, at the applicant's expense. (Commissioner of Agriculture; 375 IAC 1-3-1; filed Jun 15, 2001, 11:46 a.m.: 24 IR 3633)

375 IAC 1-3-2 Management practices

Authority: IC 15-4-12-16

Affected: IC 15-4-12

Sec. 2. The following management practices are required to receive organic certification:

- (1) Development and implementation of a conscientious soil building program designed to enhance organic matter and encourage optimum soil health.**
- (2) Rotation of nonperennial crops in accordance with accepted regional organic practices. Rotations must be as varied as possible and aim to:
 - (A) maintain or improve soil fertility;**
 - (B) reduce nitrate leaching; and**
 - (C) reduce weed, pest, and disease problems.****
- (3) Use of careful management, resistant varieties, intercropping, and maintenance of soil health as the first line of primary defense against weeds, pests, and diseases.**
- (4) Generation of an audit trail that will permit tracing the sources and amounts of all off-farm inputs, date and place of harvest, and all steps between harvest and sale to the wholesaler, retailer, or final consumer. Certifying agents shall recommend denial of certification if an inadequate audit trail exists.**
- (5) Maintenance of machinery and equipment in condition sufficient to avoid contamination of soil or crops with hydraulic fluid, fuel, oil, and similar contaminants.**
- (6) Use of preharvest and postharvest handling procedures and packaging materials that ensure maximum product quality (appearance, hygiene, freshness, and nutrition) using techniques and materials that are consistent with the Indiana organic standards. Irradiation is prohibited.**
- (7) Soil and/or residue testing will not be mandatory for inspection and/or certification purposes.**
- (8) Maintain records of all organic operations separate from records relating to other operations and make such records available at all times for inspection by the panel, the commissioner, the certifying agent, and its inspectors.**

(Commissioner of Agriculture; 375 IAC 1-3-2; filed Jun 15, 2001, 11:46 a.m.: 24 IR 3634)

375 IAC 1-3-3 Soils and plants

Authority: IC 15-4-12-16

Affected: IC 15-4-12

Sec. 3. (a) The following methods and organic materials are approved for use on certified organic farms; all manure sources and management techniques must be clearly documented as a part of the certification process:

- (1) Composted manure, preferably produced on the farm or, if imported, free of contaminants.**
- (2) Uncomposted manure that has been turned and free from internal frost for at least one hundred eighty (180) days prior to application, preferably produced on the farm or, if imported, free of contaminants.**
- (3) Fresh, aerated, anaerobic, or sheet composted manures for use on perennials or crops not for human consumption, or when a crop for human consumption is not to be harvested for at least one hundred twenty (120) days following application. At application, the soil must be sufficiently warm (about ten (10) degrees Celsius) and moist to ensure active microbial digestion.**
- (4) On radishes, leafy greens, the beet family, and other known nitrate accumulators, fresh, aerated, anaerobic, or sheet composted manures may not be applied less than one hundred twenty (120) days before planting. At application, the soil must be sufficiently warm and moist to ensure active microbial digestion.**
- (5) Green manures, crop residues, peat moss, straw, seaweed, and other similar materials.**
- (6) Composted food and forestry byproducts that are free of contaminants.**
- (7) Agricultural limestone, natural phosphates, and other slowly soluble rock powders. Fluorine content of the natural phosphates should be balanced with application rates so that total fluorine applied does not exceed an average of five (5) kilograms per hectare per year in the field, or ten (10) kilograms per hectare in the greenhouse.**
- (8) Wood ash, langbeinite (sulpomag), nonfortified marine byproducts, bonemeal, fishmeal, and other similar natural products.**
- (9) Cottonseed meal and blended products containing these substances are permissible only if free of prohibited materials.**

(10) Potassium sulfate, borax (solubor), sodium molybdate, and sulfate trace mineral salts are permitted where agronomically justified. Application rates and distribution should be controlled by applying these products in solution with a well-calibrated sprayer.

(b) The following methods and materials are prohibited for use on organic certified farms:

- (1) Use of sewage sludge and septic waste is prohibited.
- (2) Genetically engineered organisms are prohibited for use in organic production and handling.
- (3) Highly soluble nitrate, phosphate, and chloride nutrient sources, natural or synthetic, are prohibited from use on soil or foliage.
- (4) Ammonia and urea products are prohibited.

(c) The following methods and foliar materials are approved for use in certified organic farms:

- (1) Liquid or powdered seaweed extract or other nonfortified marine byproducts.
- (2) The use of materials, which coincidentally furnish plant nutrients, such as the use of phosphoric acid to hydrolyze fish emulsion, is a normal aspect of the industrial process. This is not to be considered fortification for purposes of this rule. Products that are added to the process in order to boost the analysis, as in the addition of potassium nitrate to fish emulsion, are prohibited.
- (3) Plant or animal based growth regulators and other plant and animal products.
- (4) Synthetic adjuvants, wetting agents, and similar substances.
- (5) Mineral suspensions, such as silica.

(d) The following methods concerning seed, seedlings, grafting, and root stock are approved for use in certified organic farms:

- (1) Horticultural crops and nonperennial field crops must be produced from seed that has not been treated with any prohibited or nonapproved product. Temporary exceptions may be made if untreated seed is not available.
- (2) Annual transplants must be grown according to Indiana organic standards. Perennial transplants may be from any source, but crops labeled or sold as certified organic must be from plants that have been under organic cultivation for at least twelve (12) months prior to harvest.
- (3) Vegetatively propagated plants, such as garlic and other bulbous plants, are to be considered as transplants and fully respected subject to this title.

(e) The following additional methods and materials are approved for use in certified organic farms:

- (1) Assorted plant and/or animal preparations, biodynamic preparations, microbial activators, bacterial inoculates, and mycorrhizae.
- (2) Microbes used in the production of certified crops or agricultural products must be naturally occurring (not the result of genetic engineering).

(Commissioner of Agriculture; 375 IAC 1-3-3; filed Jun 15, 2001, 11:46 a.m.: 24 IR 3634)

375 IAC 1-3-4 Pest control

Authority: IC 15-4-12-16

Affected: IC 15-4-12

Sec. 4. (a) The following methods and materials are approved for disease prevention and treatment and weed control on certified organic farms:

- (1) Use of resistant varieties and the provision of conditions favoring natural equilibrium.
- (2) Insecticidal soaps and botanical insecticides, such as:
 - (A) ryania;
 - (B) sabadilla; and
 - (C) teas, extracts, decoctions, or poultices of locally grown botanicals only if they contain no sythetic [*sic.*, *synthetic*] inerts unless placed on the National List.
- (3) Rotenone, pyrethrum, dormant oil (preferably vegetable-based), and diatomaceous earth may be used with great caution due to their high ecological profile.
- (4) Sexual, visual, and physical traps.
- (5) Microbial insecticides as found in the National List are acceptable.
- (6) Mechanical, electrical, and thermal weeding.

- (7) Microbial weed killers.
- (8) Corn gluten meal (must not be from genetically engineered corn).
- (9) Plastic mulch. (See section 5(c) of this rule.)

(b) All pesticides containing synthetic inerts, aromatic petroleum fractions, or synergists (such as piperonyl butoxide) are prohibited. Chemical or petroleum herbicides are prohibited unless placed on the National List. (*Commissioner of Agriculture; 375 IAC 1-3-4; filed Jun 15, 2001, 11:46 a.m.: 24 IR 3635*)

375 IAC 1-3-5 Prohibited crop production practices and materials

Authority: IC 15-4-12-16

Affected: IC 15-4-12

Sec. 5. (a) For a farm or field to be certified under this title, producers on such farm or field shall not apply materials to, or engage in practices on, seeds or seedlings that are contrary to or inconsistent with the applicable organic certification program.

(b) For a farm or field to be certified under this title, producers on such farm or field shall not use any fertilizers containing synthetic ingredients or any commercially blended fertilizers containing materials prohibited under this title, or as a source of nitrogen, phosphorous, lime, potash, or any materials that are inconsistent with the organic certification program under this title.

(c) For a farm or field to be certified under this title, producers on such farm or field shall not use:

- (1) plastic mulches unless such mulches are removed at the end of each growing or harvest season;
- (2) transplants that are treated with any synthetic or prohibited material;
- (3) genetically engineered organisms; or
- (4) natural poisons, such as arsenic or lead salts that have long term effects and persist in the environment, as established by the United States Food and Drug Administration and the United States Environmental Protection Agency.

(d) A producer handler seeking certification under this title shall submit an organic plan to the certifying agent, and such plan shall be reviewed by the certifying agent who shall determine if such plan meets the requirements of the Indiana organic program.

(e) An organic plan shall contain provisions designed to foster soil fertility, primarily through the management of the organic content of the soil through proper tillage, crop rotation, and manuring.

(f) An organic plan shall contain terms and conditions that regulate the application of manure to crops.

(g) Such organic plan may provide for the application of raw manure only to any:

- (1) green manure crop;
- (2) perennial crop;
- (3) crop not for human consumption; and
- (4) crop for human consumption, if such crop is harvested after a reasonable period of time determined by the certifying agent to ensure the safety of such crop, after the most recent application of raw manure, but in no event shall such period be less than one hundred twenty (120) days after such application.

(h) Such organic plan shall prohibit raw manure from being applied to any crop in a way that significantly contributes to water contamination by nitrates or bacteria.

(i) An organic livestock plan shall contain provisions designed to foster the organic production of livestock consistent with the purposes of this title.

(j) An organic plan may encompass both the crop production and livestock production requirements in this title if both activities are conducted by the same producer.

(k) An organic handling plan shall contain provisions designed to ensure that agricultural products that are sold or labeled

as organically produced are produced and handled in a manner that is consistent with the purposes of this title.

(l) An organic plan for the harvesting of wild crops shall:

- (1) designate the area from which the wild crop will be gathered or harvested;**
- (2) include a three (3) year history of the management of the area showing that no prohibited substances have been applied;**
- (3) include a plan for the harvesting or gathering of the wild crops assuring that such harvesting or gathering will not be destructive to the environment and will sustain the growth and production of the wild crop; and**
- (4) include provisions that no prohibited substances will be applied by the producer.**

(m) An organic plan shall not include any production or handling practices that are inconsistent with this title.
(Commissioner of Agriculture; 375 IAC 1-3-5; filed Jun 15, 2001, 11:46 a.m.: 24 IR 3635)

Rule 4. Animal Certification Standards

375 IAC 1-4-1 Living conditions

Authority: IC 15-4-12-16

Affected: IC 15-4-12

Sec. 1. (a) The following living conditions shall be adequately provided, as appropriate to the stage of production, climate, environment, age, species, and life span of the animal to promote livestock health:

(1) Protection from inclement weather, including a housing design that provides for:

- (A) natural maintenance;**
- (B) comfort behaviors;**
- (C) temperature level;**
- (D) ventilation; and**
- (E) air circulation;**

suitable to the species.

(2) The reduction of potential for livestock injury.

(3) Free access to floor that is predominantly grass, shavings, dirt, or other nonartificial bedding, where species-appropriate.

(4) Sufficient space for movement and the opportunity to exercise.

(5) Clean living conditions.

(6) Access to:

- (A) shade;**
- (B) shelter;**
- (C) fresh air;**
- (D) outdoors; and**
- (E) direct sunlight;**

suitable to the species.

(7) Access to food and clean water.

(8) Species-appropriate clean and dry bedding, appropriate to the husbandry system. If the bedding is typically consumed by the animal species, it must comply with the feed standard.

(b) Living conditions specified in subsection (a) should be designed in the farm plan to be adequate to maintain livestock health without the use of animal drugs.

(c) Living conditions must not allow the contamination of water, food, or feed by nitrates and bacteria, including human pathogens.

(d) The prolongation of natural daylight artificial lighting must not lead to a day length that is longer than twenty (20) hours unless a day length of fewer than twenty (20) hours endangers the well-being of the animal. *(Commissioner of Agriculture; 375 IAC 1-4-1; filed Jun 15, 2001, 11:46 a.m.: 24 IR 3636)*

375 IAC 1-4-2 Feed

Authority: IC 15-4-12-16

Affected: IC 15-4-12

Sec. 2. The following feed practices must be followed in connection with the certified organic animal production:

- (1) Slaughter animals must be fed only one hundred percent (100%) certified organically grown feed.**
- (2) Plastic roughage, urea, intentional manure refeeding, and similar practices are prohibited.**
- (3) Early weaning (under four (4) weeks for piglets, three (3) months for beef, and eighteen (18) kilograms or two (2) months for sheep and goats) or feeding of milk replacer are *[sic., is]* prohibited.**
- (4) White veal production cannot be considered organic.**
- (5) Animal byproducts are prohibited.**
- (6) Genetically engineered organisms are prohibited for use in organic feed.**

(Commissioner of Agriculture; 375 IAC 1-4-2; filed Jun 15, 2001, 11:46 a.m.: 24 IR 3636)

375 IAC 1-4-3 Feed supplements

Authority: IC 15-4-12-16

Affected: IC 15-4-12

Sec. 3. (a) The following feed supplements are approved for use in connection with the certified organic animal production:

- (1) Any source of feed salt is acceptable.**
- (2) Calcium phosphate materials such as marl, or calcium carbonate materials, such as limestone or dolomite.**
- (3) Magnesium oxide, greensand, seaweed, natural minerals, and other free choice trace elements.**
- (4) Selenium of whatever form (ingested or injected at recommended doses). This should first be addressed at the soil level. Organic feed from organically active soils seldom show selenium deficiency.**
- (5) Vitamins should be provided from sprouted grains, brewer's yeast, or other natural sources.**

(b) Synthetic growth promoters (including antibiotics and trace elements used to stimulate growth) implanted, injected, or ingested are prohibited.

(c) Genetically engineered organisms are prohibited for use in organic feed supplements. *(Commissioner of Agriculture; 375 IAC 1-4-3; filed Jun 15, 2001, 11:46 a.m.: 24 IR 3637)*

375 IAC 1-4-4 Companion animal (pet) food

Authority: IC 15-4-12-16

Affected: IC 15-4-12

Sec. 4. (a) All primary ingredients must be certified by an accredited certifying agent and represent not less than one hundred percent (100%) of the finished product by weight.

(b) Added minerals and vitamins may be provided by natural sources or may be synthetic but cannot contain prohibited additives or preservatives. Any materials permitted in this title or on the National List may be used.

(c) Food must be nutritionally adequate for the animals and purposes for which it is intended, as proven either by ingredients in quantities sufficient to meet the nutritional requirements established by regulatory or other recognized authorities, or by feeding it to normal animals as the only source of nourishment, except water, in accordance with testing procedures established by recognized regulatory authorities, to meet the criteria of testing procedures for the purpose or life stage or stages for which intended. *(Commissioner of Agriculture; 375 IAC 1-4-4; filed Jun 15, 2001, 11:46 a.m.: 24 IR 3637)*

375 IAC 1-4-5 Companion animal (pet) food labeling

Authority: IC 15-4-12-16

Affected: IC 15-4-12

Sec. 5. The product container must be labeled in a manner that:

- (1) clearly indicates the animal and the purpose for which it is intended and, if a food, is proven nutritionally adequate;**
- (2) is in accordance with that required by the appropriate regulatory agency for that animal, purpose, or food, or, if there is no such agency, as suggested by another recognized authority for that animal, purpose, or food; and**
- (3) is not misleading.**

(Commissioner of Agriculture; 375 IAC 1-4-5; filed Jun 15, 2001, 11:46 a.m.: 24 IR 3637)

375 IAC 1-4-6 Companion animal (pet) nutritional supplements

Authority: IC 15-4-12-16

Affected: IC 15-4-12

Sec. 6. Nutritional supplements for animals must meet all the requirements of a companion animal food described in this rule, except the nutritional adequacy requirement. *(Commissioner of Agriculture; 375 IAC 1-4-6; filed Jun 15, 2001, 11:46 a.m.: 24 IR 3637)*

375 IAC 1-4-7 Purchased animals

Authority: IC 15-4-12-16

Affected: IC 15-4-12

Sec. 7. (a) Slaughter stock must be raised in accordance with Indiana organic standards or purchased from certified organic livestock producers in order to be labeled or sold as certified organic.

(b) Breeding stock purchased from any source may be offered and sold as certified organic only if raised in compliance with Indiana standards from the last third of gestation.

(c) Day old poultry may be bought from any source.

(d) Genetically engineered organisms are prohibited. *(Commissioner of Agriculture; 375 IAC 1-4-7; filed Jun 15, 2001, 11:46 a.m.: 24 IR 3637)*

375 IAC 1-4-8 Breeding

Authority: IC 15-4-12-16

Affected: IC 15-4-12

Sec. 8. The following methods and materials govern animal breeding in connection with certified organic animal production:

(1) Natural service is the ideal.

(2) Various other breeding methods are permitted, provided they do not unduly restrict the gene pool.

(3) Embryo transfer techniques are prohibited.

(Commissioner of Agriculture; 375 IAC 1-4-8; filed Jun 15, 2001, 11:46 a.m.: 24 IR 3637)

375 IAC 1-4-9 Slaughter

Authority: IC 15-4-12-16

Affected: IC 15-4-12

Sec. 9. The following methods and materials are approved for use in connection with animal slaughter in connection with certified organic animal production:

(1) Animals must be treated humanely during loading, unloading, shipping, holding, and slaughter.

(2) Slaughter must be affected under sanitary conditions in government-approved slaughterhouses.

(3) Animals must be clearly identified in such manner as to preclude confusion with noncertified meat. Certified meat should be slaughtered as a separate batch or hung apart from noncertified meat.

(Commissioner of Agriculture; 375 IAC 1-4-9; filed Jun 15, 2001, 11:46 a.m.: 24 IR 3638)

375 IAC 1-4-10 Physical alterations

Authority: IC 15-4-12-16

Affected: IC 15-4-12

Sec. 10. Physical alternations [sic., alterations] appropriate to the health and safety of the animal shall be minimized and shall be appropriate to the species, age, and life span of the animal. *(Commissioner of Agriculture; 375 IAC 1-4-10; filed Jun 15, 2001, 11:46 a.m.: 24 IR 3638)*

375 IAC 1-4-11 Audit trail

Authority: IC 15-4-12-16

Affected: IC 15-4-12

Sec. 11. (a) An audit trail must be maintained that will permit tracing the sources and amounts of all feeds, supplements, and medication used in connection with certified organic animal production.

(b) Each animal that is treated with an active material must be clearly identified with a tag specifying the material and date of treatment. This requirement shall not apply if animals are individually identified by numbered tags or to poultry.

(c) Each animal must be traced for treatments, feed, and supplements from conception to slaughter. (*Commissioner of Agriculture; 375 IAC 1-4-11; filed Jun 15, 2001, 11:46 a.m.: 24 IR 3638*)

375 IAC 1-4-12 Standards for dairy and egg production

Authority: IC 15-4-12-16

Affected: IC 15-4-12

Sec. 12. (a) Except as otherwise provided in this rule, the certified organic standards are the same as for meat production, with the exception of the following additions and clarifications:

(1) A dairy animal from which milk or milk products will be sold or labeled as organically produced shall be raised and handled in accordance with this title for not less than the twelve (12) month period immediately prior to the sale of such milk and milk products.

(2) Purchased production stock into Indiana certified herds must be from certified organic sources.

(3) Dairy replacements must be nonmedicated, including milk replacer (organic whole milk is preferable), up to the required one (1) year prior to certification.

(4) The use of antibiotics, medications, and all hormones is prohibited in organic dairy. If recourse to antibiotics or hormones is deemed necessary, that animal's production cannot be sold as organic. For new herds and replacements, no antibiotic or hormone use will be allowed one (1) year prior to certifiable status.

(5) Active intervention products should be considered only after acceptable practices have failed. If active intervention products are used, milk shall be withheld from the treated animal for a period of twelve (12) months.

(6) Genetically engineered organisms are prohibited.

(7) Cleansers and sanitizers (on farm): Milk equipment sanitizers (CIP and manual) and udder washes are two (2) potential sources of contamination. Sanitary standards should be met using materials approved for use in Indiana organic standards; however, if nonapproved materials must be used due to local rules, all equipment must be rinsed (as allowed by law) to neutralize and effectively eliminate chemical contamination.

(8) Rinsing after sanitizing is prohibited. To neutralize and effectively eliminate chemical contamination, the following guidelines must be used:

(A) All chemicals shall not exceed the manufacturer's recommended p.p.m.

(B) Caustic or alkaline washes shall be followed by an acid wash, followed by a rinse, followed by an appropriate sanitizer at the appropriate p.p.m.

(9) Organic milk may follow conventional milk as long as the first organic milk flushes the system to conventional channels.

(10) All regulatory sanitation requirements and quality standards for bacteria and somatic cell count (SCC) must be observed. In addition, the annual average SCC should not exceed four hundred thousand (400,000) for bovine (eight hundred thousand (800,000) for ovine or caprine) or local rules, whichever is lower; maximum bacteria count should not exceed one hundred thousand (100,000) or local rules, whichever is lower. Individual animals are recommended to be on monthly SCC testing. Failure to comply with these quality levels will require a farm plan response to be implemented to come into compliance and be approved by the certifying agent.

(11) A new herd should have under a four hundred thousand (400,000) average SCC for the three (3) months prior to certifiable status.

(12) Dairy animals must drink water with nitrate levels below ten (10) mg nitrate, nitrogen/liter (forty-five (45) mg NO₃/liter) and satisfy all state requirements concerning bacteria and other microflora. If a farmer is unable to meet these requirements, a farm plan response shall be implemented to reach compliance.

(13) Pullets must be fed one hundred percent (100%) certified organic feed for at least four (4) months before eggs are certifiable. When pullets are purchased, they must be treated in accordance with these standards for at least four (4) months before their eggs are certified.

(14) Hens must have at least two (2) square feet per bird floor space in the henhouse and hens must have outdoor access when seasonally appropriate.

(15) If access to pasture is not feasible, flocks must be fed sprouted grains or fresh plants or hay on a daily basis.

(16) Use of petroleum-based oil as a shell coating after washing is prohibited.

(Commissioner of Agriculture; 375 IAC 1-4-12; filed Jun 15, 2001, 11:46 a.m.: 24 IR 3638)

375 IAC 1-4-13 Animal production practices and materials

Authority: IC 15-4-12-16

Affected: IC 15-4-12

Sec. 13. (a) The following are allowed as cleaning compounds used in disinfecting equipment and surfaces, such as irrigation systems, livestock structure floors, and food contact surfaces:

(1) Hydrogen peroxide solution.

(2) Alcohol, only if placed on the National List.

(3) Bleach (sodium and calcium hypochlorite).

(4) Iodoform or iodine.

(5) Soaps.

(6) Biodegradable detergents.

(7) Iodine five percent (5%).

(8) Potassium permanganate solutions.

(9) Lye.

(10) Alkali carbonates.

(11) Caustic potash.

(12) Lime.

(b) Disinfection of slaughter and other processing equipment must comply with local, state, and federal rules of food safety.

(c) Any livestock that is to be slaughtered and sold or labeled as organically produced shall be raised in accordance with this rule.

(d) Breeder stock may be purchased from any source if such stock is not in the last third of gestation.

(e) Producers on such farm shall feed such livestock organically with produced feed that meets the requirements of this rule.

(f) Producers shall not use:

(1) plastic pellets for roughage;

(2) manure refeeding; or

(3) feed formulas containing urea.

(g) Producers shall not use growth promoters and hormones on such livestock, whether implanted, ingested, or injected, including antibiotics and synthetic trace elements used to stimulate growth or production of such livestock.

(h) Genetically engineered organisms are prohibited. *(Commissioner of Agriculture; 375 IAC 1-4-13; filed Jun 15, 2001, 11:46 a.m.: 24 IR 3639)*

375 IAC 1-4-14 Health care

Authority: IC 15-4-12-16

Affected: IC 15-4-12

Sec. 14. (a) For a farm to be certified under this title as an organic farm with respect to the livestock produced by such farm, producers on such farm shall be governed by the following requirements:

(1) No animal product or animal byproduct may be labeled organic once a synthetic antibiotic or parasiticide has been given to the animal.

(2) All organic livestock producers shall be required to take all necessary steps to maintain the health of their animals.

- (3) Culling shall be encouraged as a herd health management tool.
- (4) Antibiotics or parasiticides must be used to restore an animal to health when other methods acceptable to organic production fail. Thereafter, the animal cannot be used for organic production.
- (5) Failure to take the necessary steps to restore a diseased animal to health shall result in decertification.
- (6) Disease prevention methods shall be clearly outlined in the farm plan.
- (7) Parasite prevention methods shall be clearly outlined in the farm plan.
- (8) Genetically engineered organisms are prohibited.

(b) The following methods and materials are approved for maintenance of herd health in connection with certified organic animal production:

- (1) The primary means of maintenance of herd health should be control of environmental problems through pasture rotation, disinfection, and similar methodologies.
- (2) Cleaning agents and disinfectants should be chosen from among soaps, biodegradable detergents, iodine five percent (5%), one percent (1%) potassium permanganate solutions, lye, alkali carbonates, caustic potash, lime, and bleach.
- (3) A thorough (minimum triple) rinsing is required after use of all cleaning agents and disinfectants unless prohibited by law.
- (4) Areas to be disinfected should be empty of livestock, and manure should be physically removed as much as possible.
- (5) Biotherapies, such as plant concoctions and homeopathic remedies should be encouraged.
- (6) Vaccinations (including vaccination to stimulate production of maternal antibodies), probiotics, and similar preventive techniques are permitted when diseases are known to exist in the farm environment and cannot be controlled by other techniques.
- (7) Legally required vaccinations are allowed.

(c) When recourse to prohibited active materials is deemed necessary, slaughter animals may not be sold as certified organic. (*Commissioner of Agriculture; 375 IAC 1-4-14; filed Jun 15, 2001, 11:46 a.m.: 24 IR 3639*)

Rule 5. Additional Guidelines

375 IAC 1-5-1 Livestock identification

Authority: IC 15-4-12-16

Affected: IC 15-4-12

Sec. 1. In general, for a farm to be certified under this title as an organic farm with respect to the livestock produced by such farm, producers on such farm shall keep adequate records and maintain a detailed, verifiable audit trail so that each animal (or in the case of poultry, each flock) can be traced back to such farm. (*Commissioner of Agriculture; 375 IAC 1-5-1; filed Jun 15, 2001, 11:46 a.m.: 24 IR 3640*)

375 IAC 1-5-2 Records

Authority: IC 15-4-12-16

Affected: IC 15-4-12

Sec. 2. In order to carry out section 1 of this rule, each producer shall keep accurate records on each animal (or in the case of poultry, each flock) including amounts and sources of all medications administered and all feeds and feed supplements bought and fed. (*Commissioner of Agriculture; 375 IAC 1-5-2; filed Jun 15, 2001, 11:46 a.m.: 24 IR 3640*)

375 IAC 1-5-3 Handling

Authority: IC 15-4-12-16

Affected: IC 15-4-12

Sec. 3. (a) For a handling operation to be certified under this title, such handling operation shall not, with respect to any agricultural product covered by this title, do the following:

- (1) Add any synthetic ingredient during the processing or any postharvest handling of the product.
- (2) Add any ingredient known to contain levels of nitrates, heavy metals, or toxic residues in excess of those permitted by the applicable organic certification program.
- (3) Add any sulfites, nitrates, or nitrites.

(4) Add any ingredients that are not organically produced in accordance with this title and the applicable organic certification program, unless such ingredients are included on the National List, and represent not more than five percent (5%) of the weight of the total finished product (excluding salt and water).

(5) Use any packaging materials, storage containers, or bins that contain synthetic fungicides, preservatives, or fumigants.

(6) Use any bag or container that had previously been in contact with any substance in such a manner as to compromise the organic quality of such product.

(7) Use in such product water that does not meet all Safe Drinking Water Act, 42 U.S.C. Sections 300f through 300g-6, requirements.

(8) Use genetically engineered organisms.

(b) For a handling operation to be organically certified under this title, such handling operation shall ensure that organically produced product does not come in contact with nonorganically produced product.

(c) As used in this rule, “handling” includes processing and packaging.

(d) Any facility where cooking, baking, heating, drying, mixing, grinding, churning, separating, extracting, cutting, fermenting, eviscerating, preserving, dehydrating, freezing, or otherwise manufacturing, including the packaging, canning, jarring, or otherwise enclose [*sic., enclosing*] a food article in a container, is eligible for certification, provided such facility meets all other applicable Indiana and federal food sanitation and health standards.

(e) Any facility that receives or otherwise acquires organically produced food articles and processes, packages, stores, or transports such products, provided such facility meets all other applicable Indiana and federal food sanitation and health standards, is eligible for certification.

(f) Shipping containers in which organically produced raw food articles arrive must not have been fumigated or used to transport any substances which could compromise organic quality or otherwise be inconsistent with the purposes of state and federal law and this title.

(g) All handling operations seeking to be certified must submit a written organic handling plan to the certifying agent with the application. The organic handling plan must include a description of all of the materials, processes, facilities, and byproducts of the handling operation, as well as provisions ensuring that food articles sold or labeled as organically produced are produced and handled in a manner consistent with this title and the Organic Foods Production Act of 1990, 7 U.S.C. 94, Section 6501, et seq.

(h) If an operation wishes to seek certification for both producing and handling, both an organic farm plan and an organic handling plan must be submitted.

(i) The handler must assure the certifier, through the organic handling plan and accurate records that organically produced products have not been exposed to any prohibited substances, even though the prohibited substances may be used on conventional products going through the facility.

(j) A handling operation must demonstrate, through appropriate documentation, complete compliance with the following methods, materials, and requirements:

(1) All organically produced food articles on the premises of a certified handling operation must bear an identification tag placed by the handler upon arrival unless a field tagging system operated in conjunction with the organic producer is used marking the food article as organically produced in the field or prior to delivery.

(2) Tagging requirements apply equally to cold storage and packing facilities.

(3) Proper identification of all production and handling operations involved (using the assigned producer and/or handling ID number given by the certifying agency), including applicable certification information, should be affixed to all products.

(4) The water source at the handling operation must be tested. If a different source is used on the food articles than is used for drinking, then the source used on the food articles must be tested. The analysis must be within all applicable local, state, and federal water quality limits.

(5) All machinery must be maintained in accordance with the purposes of this title and the Organic Foods Production Act of 1990, 7 U.S.C. 94, Section 6501, et seq., including regular maintenance, regular cleaning, and regular calibration. All aspects of machine maintenance should be scrutinized by the handler to ensure compliance with the purposes of this title

and the Organic Foods Production Act of 1990, 7 U.S.C. 94, Section 6501, et seq.

(6) Storage bins may not contain any synthetic fungicides, preservatives, or fumigants.

(7) Techniques used for rodent and/or insect control in organic storage areas must be consistent with sound organic practices. Synthetic materials used must be listed on the National List.

(8) A biodegradable soap followed by a clean water rinse may be used to remove field dusts and residues.

(9) SOPP and similar cleaners are prohibited. Sodium silicate or silicate of soda should be used to increase the density of water when necessary for floating fruit.

(10) All machinery and other equipment used in the handling process must be disinfected. A nonstabilizing chlorine solution should be used, and the machine must be thoroughly rinsed with clean water prior to operation.

(11) All cold storage rooms may be washed and sanitized with a chlorine solution using nonstabilizing chlorine. Rooms should be aired out prior to filling with organic products.

(12) All drier rooms may be cleaned in a manner similar to cold storage areas. Drier racks may be cleaned in a similar manner, but should be thoroughly rinsed.

(13) In areas where entire manufacturing plants are periodically fumigated, the processor must demonstrate that no fumigants will form toxic residues on organic products.

(14) All packaging must be clearly labeled, indicating the place or places of origin of the product and whether the packaged product is certified organically produced.

(Commissioner of Agriculture; 375 IAC 1-5-3; filed Jun 15, 2001, 11:46 a.m.: 24 IR 3640)

375 IAC 1-5-4 General provisions

Authority: IC 15-4-2-16

Affected: IC 15-4-12

Sec. 4. (a) For a handling operation to be certified under this program, each individual on such handling operation shall not, with respect to any organic agricultural product covered by this title:

(1) add any synthetic ingredient during the processing or any postharvest handling of the product;

(2) add any ingredients known to contain levels of nitrates, heavy metals, or toxic residues;

(3) add any sulfites, nitrates, or nitrites;

(4) add any ingredients that are not organically produced in accordance with this, or another accredited certification program, unless such ingredients are included on the National List and represent not more than five percent (5%) of the weight of the total finished product, excluding salt and water;

(5) use, in processed food to be labeled organically produced, water that does not minimally meet all Safe Drinking Water Act, 42 U.S.C. Sections 300f through 300g-6, requirements;

(6) use any packaging materials that contain fungicides, preservatives, or fumigants; and

(7) use any bag or container that had previously been in contact with any substance that would compromise the organic quality of such product or the use of which would be inconsistent with the purposes of the certification program.

(b) Paper wraps may be used as long as they are not treated with chemicals (including copper sulfate, TBZ, or DPA).

(c) Aluminum, tin, and solder are discouraged in all cases and prohibited when the pH of the product is not between 6.7 and 7.3.

(d) Organic and nonorganic products should not be mingled in a cold storage room, except where absolutely necessary. There must be adequate separation of bins and written storage procedures to assure no mixing of products.

(e) Carbon dioxide or ethylene absorbing materials may come into contact with fresh fruit. Carbon dioxide or ethylene scrubbing machinery in the cold storage is permitted.

(f) Periodic residue testing of the entire product after packaging may be required if the certifier so determines. The results of these tests must be retained by the handling processor and made available in the event of a records audit.

(g) All primary ingredients, excluding salt and pure water, must be certified by an accredited, approved certification program and represent not less than ninety-five percent (95%) of the finished product by either weight or volume, whichever is most applicable for assuring compliance with this title.

(h) Permitted secondary ingredients and additives include salt, fermentation organisms, natural colors, natural flavors, herbs, spices, and other similar products approved or contained on the National List. All possible secondary ingredients will be replaced with ingredients that have been certified as organically produced as soon as available.

(i) Carob gum, guar gum, pectins, gelatins, potato starch, corn starch, and carageenans must be approved on a case-by-case basis.

(j) If water is part of a packaged product, it must be passed through an approved filtration system. Suggested methods include distillation, reverse osmosis, and deionization filtration. (Commissioner of Agriculture; 375 IAC 1-5-4; filed Jun 15, 2001, 11:46 a.m.: 24 IR 3641)

Rule 6. Enforcement

375 IAC 1-6-1 General enforcement

Authority: IC 15-4-12-16

Affected: IC 15-4-12

Sec. 1. The panel may, subject to the approval of the commissioner, bring an action to enjoin a producer, processor, handler, or retailer from selling an agricultural product by false or misleading advertising claiming that the agricultural product is organic. (Commissioner of Agriculture; 375 IAC 1-6-1; filed Jun 15, 2001, 11:46 a.m.: 24 IR 3642)

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