

CHAPTER 1555
DEPARTMENT OF AGRICULTURE
FOOD DEFINITIONS AND STANDARDS

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ORGANIC FOOD

NOTE Parts 1555 0005 to 1555 0010 as adopted at 12 State Register page 1366 on January 4, 1988, are effective March 1, 1988, and parts 1555 0011 and 1555 0012, as adopted at 12 State Register page 1366 on January 4, 1988, are effective September 1, 1988

1555.0005 DEFINITIONS.

Subpart 1. Scope. The definitions in subparts 2 to 13 apply to parts 1555.0005 to 1555.0012.

Subp. 2. Certification. "Certification" means the process by which an organization, business, or firm concerned with production, processing, distribution, or general promotion of organic foods verifies that a given farm or processor meets that organization's standards.

Subp. 3. Department. "Department" means the Minnesota Department of Agriculture.

Subp. 4. Drug. "Drug" means an article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than man and articles other than feed intended to affect the structure or any function of an animal's body.

Subp. 5. Fertilizer material. "Fertilizer material" means a substance containing nitrogen, phosphorus, potassium, or a recognized plant food nutrient, or a compound which is used primarily for its plant nutrient content or for compounding mixed fertilizers except unmanipulated animal and vegetable manures.

Subp. 6. Horticultural oils. "Horticultural oils" means a highly refined paraffinic petroleum product made solely for use on plants at specific dosages to act as an insecticide or miticide.

Subp. 7. Natural organic fertilizer. "Natural organic fertilizer" means materials derived from either plant or animal products containing one or more elements (other than carbon, hydrogen, and oxygen) which are essential for plant growth. These materials may be subjected to biological degradation processes under normal conditions of aging, rainfall, sun curing, air drying, composting, rotting, enzymatic or anaerobic or aerobic bacterial action, or any combination of these. These materials must not be mixed with synthetic materials or changed in any physical or chemical manner from their initial state except by physical manipulation such as drying, cooking, chopping, grinding, shredding, or pelleting.

Subp. 8. Pesticide. "Pesticide" means a substance or mixture of substances intended for preventing, destroying, repelling, or mitigating a pest, and a substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

Subp. 9. Plant amendment. "Plant amendment" means a substance applied to plants or seeds which is intended to improve conditions which facilitate germination, growth, yield, product quality, reproduction, flavor, or other desir-

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able characteristics of plants except commercial fertilizers, soil amendments, agricultural liming materials, animal and vegetable manures, and pesticides.

Subp. 10. **Soap.** "Soap" means fatty acids and their salts if the fatty acid occurs in nature.

Subp. 11. **Soil amendment.** "Soil amendment" means (1) an aggregant, additive, or organic chemical substances, (2) a chemically or physically modified natural substance, (3) a naturally occurring substance, or (4) a manufacturing by-product, mixed or unmixed, which is represented as having a primary function of forming or stabilizing soil aggregants in soil to which it is to be applied and thereby improving the resistance of the soil to the slaking action of water, increasing its water and air permeability, improving the resistance of its surface to crusting, improving its ease of cultivation, or otherwise favorably modifying its structural or physical properties.

Subp. 12. **Synthetic.** "Synthetic" means a complex compound artificially produced usually by chemical synthesis of elements or simple compounds.

Subp. 13. **Verification.** "Verification" means a procedure by which a certifying body determines that foods represented as organic are in compliance with their standards through the use of questionnaires, affidavits, farm inspections, residue tests, record audits, or other procedures.

Statutory Authority: *MS s 31.94*

History: *12 SR 1366*

1555.0006 ORGANIC FOOD REQUIREMENTS.

Food for which the terms "organic food," "organically grown food," or a derivative of the word "organic" are used must be food which:

A. was produced, harvested, cleaned, stored, transported, distributed, processed, and packaged without the use of artificial irradiation, synthetic pesticides, synthetic plant or soil amendments, or fertilizer materials except natural organic fertilizers or as specifically allowed in part 1555.0007;

B. contains no added artificial coloring, artificial flavoring, or artificial preservative;

C. in the case of perennial crops, was grown in soil or growth medium free of synthetic pesticides, synthetic soil and plant amendments, and synthetic fertilizer materials, except as specifically allowed in part 1555.0007, for three years before and throughout the entire growing and harvesting season of the crop;

D. in the case of annual crops and two year crops, was grown in soil free of synthetic pesticides, synthetic soil and plant amendments, and synthetic fertilizer materials, except as allowed in part 1555.0007, for three years before planting or transplanting and throughout the entire growing and harvesting of the crop;

E. in the case of meat, poultry, wild or domesticated game, shell fish, other nonplant life, or fish, was raised for at least the final 60 percent of its sale weight:

(1) on food produced in conformity with item C or D;

(2) without the application of any synthetic pesticides or drugs;

(3) in a habitat for growth or culture that has been free of synthetic fertilizers, pesticides, hormones, antibiotics, growth stimulants, and arsenicals for at least three years, except as allowed in part 1555.0007;

(4) without any drug or synthetic pesticides administered or introduced by any method, except for treatment of a specific disease or malady as diagnosed by a veterinarian not less than 90 days before the slaughter for meat, poultry, wild or domestic game, shell fish, other nonplant life, or fish; and

F. in the case of milk or eggs, was produced by animals raised in accordance with item E, except that no synthetic pesticide or drug was administered or introduced less than 30 days before the production of the milk or eggs.

Statutory Authority: *MS s 31.94*

History: *12 SR 1366*

1555.0007 EXCEPTIONS.

Exceptions to part 1555.0006 include:

- A. enzyme sources;
- B. cultures of living or killed microorganisms;
- C. bordeaux mixtures;
- D. elemental sulfur and lime sulfur;
- E. gypsum;
- F. diatomaceous earth;
- G. basic copper sulfate;
- H. horticultural oils;
- I. fish emulsion that is not synthetically produced;
- J. soap;
- K. naturally occurring mineral materials that are not chemically modified;
- L. botanically derived pesticides containing no other active pesticidal ingredient, which are not synthetically produced but which may contain synthetic compounds such as emulsifiers, synergists, and carriers; and
- M. pesticide or other toxic chemical residues, not to exceed ten percent of the tolerance established by the United States Food and Drug Administration or Environmental Protection Agency.

Statutory Authority: *MS s 31.94*

History: *12 SR 1366*

1555.0008 TREATED SEED, TRANSPLANTS AND PROPAGATING PARTS.

Subpart 1. Organic food producers. If organic food producers wish to purchase and use treated seed, treated transplants, or treated propagating parts, they must submit a written statement to the department that usable untreated seed transplants or propagating parts of the desired kind or variety are not available. A record of the purchase, including the kind and amount of seed, variety if any, the name and address of the seller and the date of purchase, must be maintained by the producer for three years after the crop is harvested.

Subp. 2. Certified organic food producers. If certified organic food producers wish to purchase and use treated seed, treated transplants, or treated propagating parts, they must submit a written statement to the certifying agency at the time of certification that usable untreated seed transplants or propagating parts of the desired kind or variety are not available. A record of the purchase, including the kind and amount of seed, variety if any, the name and address of the seller and the date of purchase, must be maintained by the producer for three years after the crop is harvested.

Statutory Authority: *MS s 31.94*

History: *12 SR 1366*

1555.0009 RECORDS.

Subpart 1. Producer. A producer who sells food derived from a crop which the producer has grown and which is identified as organic, organically grown, or by a derivative of the word "organic," shall accurately keep the following records: year and type of crop; location of the acreage used for growing that crop; additions made to the soil or applied to that crop; use of any treated seed, treated transplants, or treated propagating parts; and quantity, date, and acreage harvested. These records must be retained for three years after the food is sold and delivered by the producer.

Subp. 2. Processors and manufacturers. A person who processes or manufactures a food which is sold or identified as organic, organically grown, or by a derivative of the word "organic," shall keep accurate records of the ingredients of that food, the names and addresses of persons from whom the ingredients were purchased, the date and quantity of ingredients purchased, and copies of invoices. These records must be retained for three years after the food is sold and delivered.

Subp. 3. Vendors. A person who sells a food subject to subpart 1 or 2, shall keep accurate records of the names and addresses of persons from whom that food was purchased, the date and quantity of food purchased, and copies of invoices. These records must be retained for three years after the food is sold and delivered.

Subp. 4. Provision of information. A producer, processor, manufacturer, or vendor of food subject to subpart 1, 2, or 3 shall provide the department, on demand, relevant information from the records required under this part.

Statutory Authority: *MS s 31.94*

History: *12 SR 1366*

1555.0010 INSPECTION AUTHORITY.

The department may inspect at reasonable times an area where food identified, labeled, or advertised as organic, organically grown, or by a derivative of the word "organic," is grown, processed, manufactured, stored, or sold.

Statutory Authority: *MS s 31.94*

History: *12 SR 1366*

1555.0011 CERTIFICATION OR VERIFICATION.

No food which is identified, labeled, or advertised as organic, organically grown, or by a derivative of the word "organic," may be identified, labeled, or advertised as "certified" or "verified" unless the name of the person or organization that provides that certification or verification is stated on any identification, label, or advertisement.

Statutory Authority: *MS s 31.94*

History: *12 SR 1366*

1555.0012 PROHIBITIONS.

No claim or implication may be made in the identification, labeling, advertising, or promotion of a food product, including processed food products, that the food product is organic, organically grown, or by a derivative of the word "organic," unless the product, including all of its ingredients, conforms to the requirements of parts 1555.0005 to 1555.0012.

Food that contains one or more organic ingredients may contain an information statement on the label, such as: "Contains organic rye flour," in letters not to exceed one-half the height of the letters used in the product identity. The word "organic" also must precede the name of each organic ingredient identified in the list of ingredients.

Statutory Authority: *MS s 31.94*

History: *12 SR 1366*

1555.6760 APPLICATION FOR INSPECTION.

Subpart 1. Eligibility; procedure. All potatoes planted on a farm must be entered for certification. Application for inspection must be made before June 16 each year on forms furnished by the commissioner. Applications postmarked after June 15 but before July 1 must be charged a 50 cents per acre late registration fee. No applications may be accepted that are postmarked later than June 30. The commissioner may extend the deadline due to special circum-

stances, such as natural disasters, which make it impractical or impossible for planting to be completed by the deadline and which affect an area or large number of growers.

Subp. 2. **Shipping point inspection certificates, bulk seed certificates, or certificates of origin.** An application for the inspection of a field planted with purchased certified seed potatoes must include copies of either the shipping point inspection certificates, bulk seed certificates, or certificates of origin for the total amount of purchased certified seed potatoes planted. Use of certificates of origin requires approval of both the seller and the purchaser and is restricted to intrastate shipments between certified seed potato producers. The certificate of origin must contain information considered necessary by the commissioner and must at a minimum identify seed potatoes as to the producer, variety, classification, and lot. The limitation of warranty in part 1555.6740, subpart 7, must be further limited to exclude any representation as to condition of the potatoes at the time of shipment.

Subp. 3. **Separate application.** A separate application must be completed for each field planted.

Subp. 4. **Sufficient acreage.** No application for inspection may be accepted from a grower in a community or county in which there is not sufficient acreage for the total inspection fee charges to cover the cost of wages and expenses of the inspectors providing the inspection service. Determination of sufficient acreage must be made by the commissioner.

Statutory Authority: *MS s 21.113; 21.118*

History: *11 SR 2164*

1555.6770 [Repealed, 11 SR 2164]

1555.6780 [Repealed, 11 SR 2164]

1555.6790 [Repealed, 11 SR 2164]

1555.6850 REQUIREMENTS FOR PRIMARY FOUNDATION CERTIFIED SEED POTATO PRODUCTION.

Primary Foundation certified seed potatoes consist of potatoes which meet all the requirements of parts 1555.6750 to 1555.6840 as well as the additional requirements in this part:

[For text of item A, see M R. 1987]

B. Primary Foundation or Prenuclear, Nuclear, Generation One, Generation Two, Generation Three, and Generation Four certified seed potatoes shall be the only potatoes grown on the farm. Primary Foundation certified seed potatoes shall be grown from potatoes produced on a tuber unit seed plot.

[For text of items C to G, see M.R. 1987]

Statutory Authority: *MS s 21.118*

History: *12 SR 410*

1555.6851 REQUIREMENTS FOR PRENUCLEAR AND NUCLEAR CERTIFIED SEED POTATO PRODUCTION.

Subpart 1. **Prenuclear certified seed potatoes.** Prenuclear seed potatoes consist of potatoes that meet all the requirements of parts 1555.6750 to 1555.6850, as well as the additional requirements in this part.

A. A lot grown as and intended to be Prenuclear must be grown from plants tested and shown to be free from the following pathogens:

- (1) *Corynebacterium sepedonicum* (ring rot);
- (2) *Erwinia carotovora* (blackleg);

- (3) potato virus X;
- (4) potato virus S;
- (5) potato virus A;
- (6) potato-virus M;
- (7) potato virus Y;
- (8) potato spindle tuber viroid; and
- (9) potato leafroll virus.

B. Prenuclear seed potatoes must be produced in a greenhouse, under sanitary conditions, free from insects and weeds that can harbor or transmit potato diseases or other conditions of possible disease contamination. All facilities and equipment are subject to inspection as considered necessary by the commissioner to verify freedom from possible disease contamination.

C. A representative number of plants or tubers from each lot must be tested during the growing season to verify that the crop is free from potato virus X, potato virus Y, *C. sepedonicum*, and *E. carotovora*.

D. All plants must be inspected at least two times during the growing season. Additional inspections may be made if considered necessary by the commissioner.

E. A lot must be rejected if it contains any diseased plants or varietal mixture, unless the plants are removed by the grower before the next inspection.

F. If bacterial ring rot is found in any lot, the remaining crop is not eligible for certification planting.

G. Limited Generation and Primary Foundation must be the only classes of certified seed potatoes grown on the farm.

Subp. 2. **Nuclear certified seed potatoes.** Nuclear seed potatoes consist of potatoes that meet all the requirements of parts 1555.6750 to 1555.6850 as well as the additional requirements in this part.

A. The seed source must be either Prenuclear tubers or plantlets which were produced in accordance with part 1555.6851, subpart 1.

B. Tubers or plantlets must be planted in identifiable family units.

C. Not more than 0.1 percent of virus diseases, excluding potato virus X, is allowed on any field inspection. No blackleg, spindle tuber, or varietal mixture is allowed.

D. Each field must be tested during the growing season for potato virus X. For a lot to be tagged "virus tested" no more than one percent of the plants tested may be infected with potato virus X.

E. A sample of each lot must meet the same winter test requirements as prescribed for Primary Foundation certified seed potatoes in part 1555.6850, item E.

F. Each lot must be stored in an individual identifiable unit.

G. Limited Generation and Primary Foundation must be the only classes of certified seed potatoes grown on the farm.

H. If bacterial ring rot is found in any field or lot, the remaining crop is not eligible for certification planting.

Statutory Authority: *MS s 21.118*

History: *12 SR 410*

1555.6852 REQUIREMENTS FOR GENERATION CERTIFIED SEED POTATO PRODUCTION.

Subpart 1. **Requirements.** Generation certified seed potatoes consist of potatoes that meet all the requirements of parts 1555.6750 to 1555.6850 as well as the additional requirements in this part.

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A. A sample of each lot must meet the same winter test requirements as prescribed for Primary Foundation certified seed potatoes in part 1555.6850, item E.

B. No spindle tuber is allowed on any field inspection.

C. Each field may be tested during the growing season for potato virus X. For a lot to be tagged "virus tested" no more than three percent of the plants tested may be infected with potato virus X.

D. If bacterial ring rot is found in any field or lot, the remaining crop is not eligible for certification planting.

E. Each lot must be stored in an individual identifiable unit.

Subp. 2. **Generation One.** The seed source must be Nuclear class certified seed potatoes or the equivalent. No more than 0.2 percent of virus diseases or blackleg is allowed on any field inspection. No varietal mixture is allowed.

Subp. 3. **Generation Two.** The seed source must be Generation One class certified seed potatoes or the equivalent. Not more than 0.2 percent of virus disease or 0.5 percent blackleg is allowed on any field inspection. No varietal mixture is allowed.

Subp. 4. **Generation Three.** The seed source must be Generation Two class certified seed potatoes or the equivalent. No more than 0.3 percent of virus diseases or one percent blackleg is allowed on any field inspection. No more than 0.1 percent varietal mixture is allowed.

Subp. 5. **Generation Four.** The seed source must be Generation Three class certified seed potatoes or the equivalent. Not more than 0.3 percent of virus diseases or 0.1 percent varietal mixture is allowed on any field inspection.

Subp. 6. **Generation Five.** The seed source must be Generation Four class certified seed potatoes or the equivalent. Not more than 0.4 percent of virus diseases or 0.2 percent varietal mixture is allowed on any field inspection. Generation Five seed potatoes are not tested for potato virus X, winter tested, or eligible for certification planting the following year.

Statutory Authority: *MS s 21.118*

History: *12 SR 410*