

1 Department of Agriculture

2

3 Adopted Permanent Rules Relating to Organic Food

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5 Rules as Adopted

6 1555.0005 DEFINITIONS.

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

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

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

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

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

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

31 Subp. 7. Natural organic fertilizer. "Natural organic
32 fertilizer" means materials derived from either plant or animal
33 products containing one or more elements (other than carbon,
34 hydrogen, and oxygen) which are essential for plant growth.
35 These materials may be subjected to biological degradation

1 processes under normal conditions of aging, rainfall, sun
2 curing, air drying, composting, rotting, enzymatic or anaerobic
3 or aerobic bacterial action, or any combination of these. These
4 materials must not be mixed with synthetic materials or changed
5 in any physical or chemical manner from their initial state
6 except by physical manipulation such as drying, cooking,
7 chopping, grinding, shredding, or pelleting.

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

13 Subp. 9. **Plant amendment.** "Plant amendment" means a
14 substance applied to plants or seeds which is intended to
15 improve conditions which facilitate germination, growth, yield,
16 product quality, reproduction, flavor, or other desirable
17 characteristics of plants except commercial fertilizers, soil
18 amendments, agricultural liming materials, animal and vegetable
19 manures, and pesticides.

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

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

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

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

6 1555.0006 ORGANIC FOOD REQUIREMENTS.

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

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

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

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

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

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

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

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

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

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

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

15 1555.0007 EXCEPTIONS.

16 Exceptions to part 1555.0006 include:

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

1 Agency.

2 1555.0008 TREATED SEED, TRANSPLANTS AND PROPAGATING PARTS.

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

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

22 1555.0009 RECORDS.

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

33 Subp. 2. Processors and manufacturers. A person who
34 processes or manufactures a food which is sold or identified as
35 organic, organically grown, or by a derivative of the word

1 "organic," shall keep accurate records of the ingredients of
2 that food, the names and addresses of persons from whom the
3 ingredients were purchased, the date and quantity of ingredients
4 purchased, and copies of invoices. These records must be
5 retained for three years after the food is sold and delivered.

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

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

16 1555.0010 INSPECTION AUTHORITY.

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

21 1555.0011 CERTIFICATION OR VERIFICATION.

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

28 1555.0012 PROHIBITIONS.

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

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

7

8 EFFECTIVE DATE. Parts 1555.0005 to 1555.0010 become
9 effective March 1, 1988. Parts 1555.0011 and 1555.0012 become
10 effective September 1, 1988.