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ROLL NUMBER

DESCRIPTION

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Deanna D. Hall
Operator's Signature

10/22/03
Date

2003 SENATE AGRICULTURE

SB 2385

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10/22/03

Date


2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2385

Senate Agriculture Committee

☐ Conference Committee

Hearing Date 02/06/03

Tape Number	Side A	Side B	Meter #
2	x		2210 - 4132
Committee Clerk Signature 			

Minutes:

Chairman Flakoll opened the hearing on SB 2385. All members were present.

Senator Taylor introduced the bill. It updates requirements to federal standards. The organic food industry serves an important niche and is good for smaller operations in North Dakota. The bill further defines the role the state plays in organic food certification, which is very minimal.

Senator Flakoll asked if someone will provide us with the federal regulations? Does this apply to all foodstuffs?

Senator Taylor said yes.

Pat O'Neil, Organic Coordinator for the Department of Agriculture, testified in favor of the bill.

The bill primarily housekeeping to clean up our existing organic farming law. (written testimony)

North Dakota is second only to California in number of production acres for organic farming.

Senator Flakoll clarified that we do not need the FTE because we are not certifying the organic agents?

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Senate Agriculture Committee
Bill/Resolution Number SB 2385
Hearing Date 02/06/03

Mr. O'Neil said yes.

Senator Flakoll asked about the repealers.

Mr. O'Neil said the portions being repealed are related to proving to their personnel are qualified.

Now that there are federal standards in place, we are not allowed to make those distinctions. If we try to have anything to say about their qualifications, we have to enforce the federal regulations and, as a practical matter, we are not qualified to do so.

Senator Urlacher asked if the organic certifying agents go into the field?

Mr. O'Neil said yes, they have field personnel. Organic farms are inspected once a year. Some of their products are very unusual and it is a very difficult process. Throughout the handling process, the products are tested, sometimes more than once.

Senator Urlacher asked if it is difficult for a producer to get approved?

Mr. O'Neil said it is difficult and expensive to get approved. The federal program provides hand out funds for certification fees, up to 75% or \$500, whichever is greater. North Dakota producers should qualify for \$90,000. This will cover their certification fees for one or two years. This is helpful and the Agriculture Department hopes it may attract some new producers.

Senator Klein asked about the certification company in Medina. Do they do certification on a fee-for-service basis?

Mr. O'Neil said yes.

Senator Nichols asked what our organic farmers raise and where is it marketed?

Mr. O'Neil said primarily small grains that are marketed in Europe and the Pacific Rim. We may get into onions, carrots, wines.

Chairman Flakoll closed the hearing on SB 2385.

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Hearing Date 02/06/03

It was moved by Senator Klein and seconded by Senator Seymour that the Senate Agriculture Committee take a Do Pass action on SB 2385.

Senator Urlacher said there seems to be quite a potential for organic farming in North Dakota.

Organic flax can go up to \$40/bu and screenings can go for \$7/bu.

Senator Klein said we are following the federal rules and this will help our producers by making the regulations more uniform and make it easier to market internationally.

Senator Flakoll said this will unify the definitions of organic so producers and consumers know what the product is.

The motion passed on a roll call vote. Voting yes were Senator Flakoll, Senator Erbele, Senator Klein, Senator Urlacher, Senator Nichols and Senator Seymour. There were no negative votes cast. Senator Seymour will carry the bill to the floor.

Chairman Flakoll moved on to other business of the Senate Agriculture Committee.

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10/22/03
Date

FISCAL NOTE
Requested by Legislative Council
01/28/2003

Bill/Resolution No.: SB 2385

1A. State fiscal effect: Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. County, city, and school district fiscal effect: Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

There should be no fiscal impact from SB 2385.

3. State fiscal effect detail: For information shown under state fiscal effect in 1A, please:

A. Revenues: Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

No additional revenue expected.

B. Expenditures: Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

No additional expenditures expected.

C. Appropriations: Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

No additional appropriations expected.

Name:	Jeff K. Weispfenning	Agency:	Agriculture Department
Phone Number:	328-4758	Date Prepared:	01/28/2003

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Operator's Signature: Deanna Waller Date: 10/22/03

Date: 2/6/03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2385

Senate Agriculture Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Du Pass

Motion Made By Sen Klein Seconded By Sen Seymour

Senators	Yes	No	Senators	Yes	No
Senator Tim Flakoll, Chair	✓		Senator Ronald Nichols	✓	
Senator Robert S. Erbele, V. Chair	✓		Senator Tom Seymour	✓	
Senator Jerry Klein	✓				
Senator Herb Urlacher	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen Seymour

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
February 6, 2003 1:19 p.m.

Module No: SR-23-1852
Carrier: Seymour
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2385: Agriculture Committee (Sen. Flakoll, Chairman) recommends DO PASS
(8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2385 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-23-1852

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Deanna Waller
Operator's Signature

10/22/03
Date

2003 HOUSE AGRICULTURE

SB 2385

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Deanna Walker
Operator's Signature

10/22/03

Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2385

House Agriculture Committee

☐ Conference Committee

Hearing Date 3--07---03

Tape Number	Side A	Side B	Meter #
ONE		B	00 TO 16.0
Committee Clerk Signature <i>Edward D. Elgerson</i>			

Minutes:

CHAIRMAN NICHOLAS: We will open on SB 2385.

SENATOR TAYLOR: Representing Seventh District: This has got to be a good bill.

It updates laws organic farming. It is an eleven billion dollar market. Brings ND statues up to date.

CHAIRMAN NICHOLAS: Any questions?

PAT O'ONEIL: I am the Organic Coordinator Plant Industries. I am here to testify in favor of SB 2385. {PLEASE READ PAT'S PRINTED TESTIMONY} It makes sense to continue to do just what we are doing. North Dakota is second only to California in crop production acreage.

We have a hundred and forty four thousand plus acres in organic crop production.

That is not pasture, that is crop production. Part of the problem is we don't have enough organic consumers in ND. To make a dent in the market or make our presence felt. We have a transportation problem out of the state. A lot of the money we realize from the crop is spent on

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Operator's Signature

10/22/03
Date

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House Agriculture Committee
Bill/Resolution Number SB 2385
Hearing Date 3--07--03

transportation. That is a hurdle we can overcome with the advent of larger shipments. And increased refining production. All and all organic is doing well in ND. Will do a lot better in the future. One of the problems is that there has been too many certification procedures and each time. The producer pays another fee. The National rule requires that all certifying agencies recognize all other certification. We don't have this step by step process that nickels and dimes the producers.

REP. FROELICH: Don't you feel that the civil penalty up to \$5000.00 for each violation is quite stiff?

PAT O'NEIL: I am in the process of working on the second violation that I have had since I took over. The first one was pretty bad. We fined him a substantial amount and then suspended it under condition of no future violations. We have a registration violation going on right now. We are proposing that we fine him \$5000.00 for each violation or \$10,000.00 and suspend all but \$8,000.00 of it. They will pay a fine of \$2000.00. We like the fine to be so that it will get there attention. It keeps there attention also while they are on probation. I don't anticipate collecting more than 1,000.00 from any violator. We are really looking at a thousand dollar fine for not registration. We want to keep this at the misdemeanor level because at the infraction level we just don't have any authority and they would have a tendency to laugh at us. We do want to get there attention.

REPRESENTATIVE BOEHNING: What dose it take to become an organic farmer?
How long dose it take to get into it?

PAT O'NEIL: If we have 20 crops that we can raise organically we will be lucky.

You have to go to a certifying agency that is recognized by the National Organic Program.

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Hearing Date 3--07--03

They have to come and check your fields. They have to be pesticide and fertilizer free for a period for three years. We have an advantage with CRP. If it has been certified as CRP for a number of years. That can be organically certified right away.

You have to have a crop program. The inspectors come out and test your soil. It is a very detailed process. There are recommendations as to bumper zones as to keeping organic crops away from plain crops. These are recommendations not legal requirements.

REPRESENTATIVE KREIDT: Looking at a penalty. Page 2, line 26 A person that violates this chapter is guilty of a class B misdemeanor. In addition to a criminal penalty, a person found guilty of violating this chapter or a rule adopted to implement this chapter is subject to a civil penalty of up to five thousand dollars for each violation. Then a civil action. You could beat them up pretty good.

PAT O'NEIL: We hope they read that. This is civil.

REP. WRANGHAM: What problems are we correcting?

PAT O'NEIL: In the old language we had some provisions that provided they had to prove they were capable of certifying someone.. They had to show us they had some experience. Which we never looked at anyway. They had to show us their programs. Rules and regulations. We are now longer allowed to require that. The Federal program precludes that. They have taken over the entire function of certifying agencies. If we keep that language that qualifies us as a state organic program and we have to enforce the federal programs. ND Agriculture Department does not want to do that. It is inoperative anyway. We are just cleaning it up. Getting it out of there.

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Hearing Date 3--07--03

CHAIRMAN NICHOLAS: Any other questions Committee Members?

Anyone else wishing to offer support for this bill. Any opposition?

CHAIRMAN NICHOLAS: Any more discussion committee members?

THE CHAIR WILL ENTERTAIN A MOTION ON SB 2385.

REPRESENTATIVE FROELICH MOVED FOR A DO PASS.

REPRESENTATIVE BOEHNING: SECONDED THE MOTION.

THE ROLL WAS TAKEN.

THERE WERE 9 YES 0 NO 4 ABSENT

REPRESENTATIVE KREID CARRIED THE BILL.

CHAIRMAN NICHOLAS CLOSE ON SB 2385

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2385

House Agriculture Committee

☐ Conference Committee

Hearing Date 3-27-03

Tape Number	Side A	Side B	Meter #
ONE	A		3.8 TO 15.7
Committee Clerk Signature <i>Edward D. Ellyson</i>			

CHAIRMAN NICHOLAS: Committee Members, let turn to SB 2385. Lets look at the Bill. It is the one on organic farming. You can remember we talked about this before and Representative Kreidt has some amendments that he has been working on trying to come up with something that will be more palpable for the house so we will take a look at Representative Kreidts amendment.

REPRESENTATIVE KREIDT: Passed out the amendment. Committee members take a look at this and lets have some discussion before we take the amendments.

REPRESENTATIVE KREIDT: After the bill went down on the floor, Representative Boe and I got together and visited with Mr. O'Neil in regards to the penalty fee which seemed to be The real problem on the floor. We talked about doing different things and finally came to a compromise with him and again this is for discussion my personal feeling in regards to the penalty I felt it should go into the court system and we should have just maintained the class B

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Bill/Resolution Number SB 2385
Hearing Date 3-27-03

misdemeanor. Mr. O'Neil was not very happy about that so what I arrived at and Representative Boe was a compromise and dropping out the misdemeanor and lowering the civil penalty from the \$5,000.00 thousand dollars to \$2,500.00 dollars and that was the negotiation agreement that we came up with the department. The department would be enforcing the penalty for the infraction.

REPRESENTATIVE POLLERT: The way I look at the amendments basically if I read line thirty

We are basically giving the power of the civil penalty over the Agriculture Commissioner. I don't care who the Agriculture Commissioners and what party but basically we are going to circumvent the courts and give that power to the Agriculture Commissioner.

CHAIRMAN NICHOLAS: So what is your suggestion?

REPRESENTATIVE POLLERT: Mr Chairman depending on what happens with these amendments if you want to bring them forward I would oppose these amendments and my suggestion and I know it was not wanted but I was not here for the hearing. Representative Kreigh is not wild about keeping a person that violates this chapter is guilty of a Class B misdemeanor on line 26 but that would be my position. We could leave the rest of the page. And not take away the circumventing of the court. Class B misdemeanor is up to a thousand dollars or thirty days in jail.

CHAIRMAN NICHOLAS: What you are saying page 2, line 26.

REPRESENTATIVE POLLERT: What I would page 2 line 26, if you do not pass on the amendments that Representative Kreidt brought forward would be delete in on line 26 and Delete lines 27 through 30. That is how I would be on the bill.

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House Agriculture Committee

Bill/Resolution Number SB 2385

Hearing Date 3-27-03

REPRESENTATIVE BELTER: What is the penalty.

REPRESENTATIVE KREIDT: It would depend on the jurisdiction.

It can go anywhere from \$500.00 to \$1,000.00 dollar. That would have to be in statue in whatever jurisdiction. That would be the minimum.

CHAIRMAN NICHOLAS: Well it is what we can get passed on the floor. There is no sense in taking something up there that we are going to wind up getting killed. I would sooner take something to the floor that has the best chance of passing.

CHAIRMAN NICHOLAS: Representative Kreidt and then Representative Belter.

REPRESENTATIVE KREIDT: My ordinal discussion with Mr. O'Neil was to go with the Class B misdemeanor. I told him what happened the last time I carried this to the floor. I told him it would probably go through the house as a class B misdemeanor penalty more so then a civil penalty. He did not want to talk about that.

REP. BELTER: From my perspective I certainly can not support any type of fine through the Commissioner Of Agriculture. I don't think that is the correct way to go.

REP. ONSTAD: On line 29, how dose everybody read that or you know when you have the Civil penalty like or, Does one have precedence over the other.

CHAIRMAN NICHOLAS: Does anyone have a problem with going with what, I kind of sense the concessus of the committee here as to go with the original way but Representative Mueller you have your hand up.

REP. MUELLER: Rep. Kreidt, what was Mr. O'Neil's problem with the misdemeanor?

REPRESENTATIVE KREIDT: He really didn't play that back to me. He was intent upon a civil penalty.

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Bill/Resolution Number SB 2385
Hearing Date 3-27-03

REPRESENTATIVE BOE: If I could add that, he was really hung up, he wanted to stick with this because he said that this is the way most statue is and overtime, this is not new. They have the ability to impose the civil penalty. He took it out of other statues and put it in here. That is why he was hung up on it. To leave it that way.

REPRESENTATIVE KINGSBURY: What is the difference between a civil penalty or by the commissioner. When would it be taken to the court and when would it be just handled by the Commissioner of Agriculture. Would it depend on who brought forth the penalty, found the wrong doing.

REPRESENTATIVE KREIGH: My interpretation there I would think between the negotiations

Who ever violated the ordinance and the attorney, and you know, and I proposed that question. If I was in this situation and my attorney I would sooner opt to go with the class B misdemeanor because I would only, then the maximum I could receive would be the thousand dollars. I might have to sit thirty days in jail but I guess verses the \$5,000.00 penalty, I would just as soon take that option. If I remember correctly, is response was people have not figured that out yet. So.

REPRESENTATIVE KELSCH: The concern that I have is that you not only are you found Guilty of a Class B Misdemeanor but then you are also found guilty of a civil penalty and The way I read this, in response to the either or I think that is basically up to the person if they think that they are going to get a better deal by going through Commissioner of Agriculture That is who they are going to petition to impose the civil penalty. If they think they are going go get a better deal going to court then they will go to court. I have a real problem with Being told that you have a criminal penalty of a Class B Misdemeanor plus you have a civil

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Bill/Resolution Number SB 2385
Hearing Date 3-27-03

Penalty on top of it. What it says to me, there really trying to slap it to who ever would violate the organic farming. If we think that is what they should be doing well fine we should impose this. I look at it as almost double jeopardy.

CHAIRMAN NICHOLAS: We tried it and it was defeated almost two to one on the house floor. I think we kind of have the message where the court is on this and if we bring something back up that is basically the same thing it will wind up with the same fate. I think what we should try to do is figure out?

REPRESENTATIVE BOE: It was defeated on the floor and we thought maybe there was some confusion on what who this effects. It is not the organic farmer. This is the certifies of the organic farmers. It is a smaller group of people. Representative Kreidt and I discussed that Where there was confusion the floor. But they said they go it, they new who was involved. They really had a hang up with the amount of the penalty. The dollar amount.

REPRESENTATIVE KREIDT: Getting back to Mr. O'Neil, he was saying that this has been in the statues but I have not read that many but this is a double whammy. They can really sock it to you if they are so inclined.

CHAIRMAN NICHOLAS: I think we should fix this amendment.

REPRESENTATIVE POLLERT: I MAKE A MOTION FOR AN AMENDMENT.

ON PAGE TWO LINE 26 DELETE THE WORD IN AND THEN DELETE LINE 27, 28, 29 AND 30. SECONDED BY REPRESENTATIVE KREIDT.

CHAIR ENTERTAINED A MOTION FOR A DO PASS WITH AMENDMENT.

REPRESENTATIVE POLLERT MADE A MOTION FOR A DO PASS WITH AMENDMENTS.

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Hearing Date 3-27-03

REPRESENTATIVE KELSCH: SECONDED THE MOTION.

THE ROLL WAS TAKEN. THERE WERE 12 YES 0 NO 1 ABSENT.

REPRESENTATIVE KREIDT CARRIED THE BILL

CHAIRMAN NICHOLAS CLOSED ON SB 2385.

CHAIRMAN NICHOLAS STATED THAT HE APPRECIATED THE WORK THAT

REPRESENTATIVE KREIDT AND REPRESENTATIVE BOE DID ON THE BILL.

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SB 2385
3.7.05

Date:
Roll Call Vote #:

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

House AGRICULTURE COMMITTEE

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DU PASS

Motion Made By FRIELIN

Seconded By BIENNING

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN NICHOLAS	✓				
VICE CHAIRMAN POLLERT					
REPRESENTATIVE BELTER					
REPRESENTATIVE BOEHNING	✓				
REPRESENTATIVE KELSCH					
REPRESENTATIVE KINGSBURY	✓				
REPRESENTATIVE KREIDT	✓				
REPRESENTATIVE UGLEM	✓				
REPRESENTATIVE WRANGHAM	✓				
REPRESENTATIVE BOE	✓				
REPRESENTATIVE FROELICH	✓				
REPRESENTATIVE MELLER					
REPRESENTATIVE ONSTAD	✓				

Total (Yes) 9

No 0

Absent 4

Floor Assignment REP KREIDT

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Operator's Signature Deanne Waller

Date 10/22/03

REPORT OF STANDING COMMITTEE (410)
March 7, 2003 1:12 p.m.

Module No: HR-41-4253
Carrier: Kreidt
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2385: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO PASS
(9 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2385 was placed on the
Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-41-4253

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Deanna Waller
Operator's Signature

10/22/03
Date

SB 2385

3-27-03

Date:

Roll Call Vote #:

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

House AGRICULTURE COMMITTEE

☐ Check here for Conference Committee

Legislative Council Amendment Number Amendment

Action Taken DO PASS

Motion Made By POLLAT Seconded By KREIDT

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN NICHOLAS					
VICE CHAIRMAN POLLERT					
REPRESENTATIVE BELTER					
REPRESENTATIVE BOEHNING					
REPRESENTATIVE KELSCH					
REPRESENTATIVE KINGSBURY					
REPRESENTATIVE KREIDT					
REPRESENTATIVE UGLEM					
REPRESENTATIVE WRANGHAM					
REPRESENTATIVE BOE					
REPRESENTATIVE FROELICH					
REPRESENTATIVE MELLER					
REPRESENTATIVE ONSTAD					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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10/22/03
Date

SB 2385
3-27-03

Date:
Roll Call Vote #:

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

House AGRICULTURE COMMITTEE

☐ Check here for Conference Committee

Legislative Council Amendment Number

AS Amended

Action Taken

DO PASS

Motion Made By

POLLERT

Seconded By

KELSCH

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN NICHOLAS	✓				
VICE CHAIRMAN POLLERT	✓				
REPRESENTATIVE BELTER	✓				
REPRESENTATIVE BOEHNING	✓				
REPRESENTATIVE KELSCH	✓				
REPRESENTATIVE KINGSBURY	✓				
REPRESENTATIVE KREIDT	✓				
REPRESENTATIVE UGLEM	✓				
REPRESENTATIVE WRANGHAM					
REPRESENTATIVE BOE	✓				
REPRESENTATIVE FROELICH	✓				
REPRESENTATIVE MELLER	✓				
REPRESENTATIVE ONSTAD	✓				

Total (Yes)

12

No

0

Absent

1

Floor Assignment

Rep KREIDT

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Operator's Signature

Deanna Walker

Date

10/22/03

REPORT OF STANDING COMMITTEE (410)
March 28, 2003 9:07 a.m.

Module No: HR-56-6000
Carrier: Kreidt
Insert LC: 30740.0102 Title: .0200

REPORT OF STANDING COMMITTEE

SB 2385: Agriculture Committee (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2385 was placed on the Sixth order on the calendar.

Page 2, line 26, remove "In"

Page 2, remove lines 27 through 30

Renumber accordingly

(2) DESK, (3) COMM

Page No. 1

HR-56-6000

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Deanna Hall
Operator's Signature

10/22/03
Date

2003 TESTIMONY

SB 2385

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Deanna Halliwell
Operator's Signature

10/22/03

Date

Roger Johnson
Agriculture Commissioner
www.agdepartment.com



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Bismarck, ND 58505-0020

**NORTH DAKOTA DEPARTMENT OF AGRICULTURE
LEGISLATIVE TESTIMONY**

Testimony of Pat O'Neill, Organic Coordinator
Plant Industries
North Dakota Department of Agriculture
Senate Bill 2385
February 6, 2003
10:00 a.m.
Senate Agriculture Committee
Roosevelt Room

*Same
testimony
to
House*

Chairman Flakoll and members of the committee. My name is Pat O'Neill and I am the Organic Coordinator in the Department of Agriculture. I am here to testify in support of SB 2385. This is a housekeeping bill to clean up and clarify North Dakota's organic laws.

There are approximately 177 certified organic farming operations in North Dakota. Under the current law, the North Dakota Department of Agriculture registers private organic certifying agents, and we take enforcement action if someone violates the organic laws in North Dakota.

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Deanna Hall
Operator's Signature

10/22/03

Date

On October 21, 2002, a new National Organic Program rule became effective. It defines and regulates all organic production, processing, handling, labeling and certification activities. The primary effect upon our state was it invalidated all of the organic provisions in the Century Code except those relating to the registration of organic certifying agencies. The new rule supercedes all previous and existing national and state organic laws, rules and regulations.

The new federal rule provides that any state which has an organic program must enforce the federal rule. The enforcement of the federal rule would require, at a minimum, one FTE. There are two certifying agencies registered with North Dakota and both have been accredited under the new federal program. We do not have a state organic program at this time. It would require one to one and one-half FTEs to prepare and administer a state program.

Some of the existing language in our law does not comply with the new federal regulations. The provisions relating to the registration of certifying agencies have been refined and retained in this proposal. The result is that North Dakota will comply with the new federal rule and will not be responsible for the enforcement of the same rule. There will be no fiscal impact as a result of this new law and the existing organic operations will continue to operate as in the past.

Thank you for the opportunity to appear here today. Are there any questions?