

# SENATE BILL REPORT

## SSB 6278

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As Passed Senate, February 6, 2024

**Title:** An act relating to promoting organic agriculture.

**Brief Description:** Promoting organic agriculture.

**Sponsors:** Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Liias, Muzzall, Billig, Nobles, Saldaña and Valdez).

**Brief History:**

**Committee Activity:** Agriculture, Water, Natural Resources & Parks: 1/25/24, 1/29/24 [DPS].

**Floor Activity:** Passed Senate: 2/6/24, 49-0.

### Brief Summary of First Substitute Bill

- Requires the Department of Agriculture (WSDA) to create and chair an Organic and Regenerative Agriculture Task Force (task force).
- Requires WSDA, in consultation with the task force, to develop an Organic Agriculture Action Plan and submit the plan to the Legislature by November 1, 2025.
- Allows WSDA to modify the fee schedule for the state organics program if funding is provided.

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## SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

**Majority Report:** That Substitute Senate Bill No. 6278 be substituted therefor, and the substitute bill do pass.

Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Muzzall, Ranking Member; Liias, Shewmake, Short, Stanford, Wagoner and Warnick.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Karen Epps (786-7424)

**Background:** The National Organics Program (NOP) is operated by the United States Department of Agriculture (USDA) and regulates the standards required to label a product as certified organic. Products that may be certified as organic include crops, livestock, livestock products, and other agricultural products. The NOP standards are designed to assess whether a producer's product meets the organic criteria. To sell, label, or represent products as organic, operations must follow all of the specifications set out by the USDA organic regulations, including being certified by a USDA accredited certification agency.

The State Organics Program, administered by the Washington Department of Agriculture (WSDA), is accredited as a certification agency by USDA and provides certification to Washington State businesses that grow organic and transitional crops, raise certain organic livestock, and handle and process organic crops and products. When land is converted to organic production it must undergo a 36-month transition before an organic crop is harvested. WSDA provides transitional certification that verifies the land has not had prohibited materials applied for at least 12 months and verifies the adoption of organic practices by the farm. There are five steps to obtain organic certification, including:

- the operation completes an application and develops an Organic System Plan (OSP);
- the operation implements the OSP, and the certifier reviews the OSP;
- the certifier's inspector completes an onsite inspection of the operation to evaluate the implementation of the OSP and the operation's compliance with the USDA organic regulations;
- the certifier reviews the inspection report; and
- the certifier decides whether to grant certification to the operation.

A certified operation must annually submit an updated OSP and fees to its certifier and certifiers must inspect the operation to determine whether to continue the operation's organic certification.

WSDA must adopt rules for implementation of the state program and may adopt rules for certifying producers, processors, and handlers as meeting state, national, or international standards for organic or transitional products. The rules must include a fee schedule and fees must cover the full cost of the program.

**Summary of First Substitute Bill:** WSDA must create and chair an Organic and Regenerative Agriculture Task Force (task force). WSDA must, in consultation with the task force, develop an Organic Agriculture Action Plan (plan) to serve as a guide to leverage organic and regenerative agriculture to address economic, social, and environmental challenges, create opportunities for farmers wishing to transition to organic farming, increase resiliency in agricultural methods, and build a robust regional food system.

WSDA must appoint members to the task force, including representatives of the following

interests, organizations, and state agencies:

- the Conservation Commission, Washington State University, and the Washington Soil Health Initiative;
- one or more persons currently certified in organic farming, engaged in regenerative farming, engaged in conventional farming, and one or more historically underserved farmers or ranchers;
- organizations representing farmers markets;
- conservation organizations and environmental justice organizations;
- irrigation districts;
- pesticide distributors and applicators; and
- two members of the public from east and west of the crest of the Cascade mountains.

Representatives of Washington tribes must also be invited to participate on the task force. One youth representative from an organization that encourages students to engage in agricultural education must also be invited to participate on the task force. When appointing members of the task force, WSDA must include representatives from large farming operations with greater than \$250,000 gross receipts annually and small farming operations with less than \$250,000 gross receipts annually and farming operations from both east and west of the crest of the Cascade mountains.

When developing the plan, WSDA, in consultation with the task force, must consider and provide recommendations on the following:

- identifying barriers to achieving organic certification and expanding organic markets;
- defining regenerative agriculture and considering how and where regenerative agriculture and organic agriculture overlap and interconnect;
- providing education to support job creation and retention in the organic sector;
- ways to increase Washington's certified organic acreage to 25 percent of agricultural land by 2035;
- ways to support entry to organic farming, particularly among youth, overburdened communities, and black, indigenous, and other people of color;
- increasing the number of farmers, processors, wholesalers, and retailers transitioning to organic farming production and sale of organic products;
- ways to improve coordination of organic farming and food processing and distribution infrastructures;
- options to increase financial revenue for, and sustainability of, organic farms, processors, wholesalers, and retailers;
- ways to enhance soil health, water and air quality, biodiversity, and carbon sequestration to mitigate climate change and improve on-farm resilience through organic or regenerative farming; and
- research on topics specific to or relevant to organic and regenerative farming, including increased crop productivity and quality, genetic biodiversity, and alternatives to synthetic pesticides.

WSDA, in consultation with the task force, must consider the work and recommendations

of the Washington Soil Health Initiative when developing the plan. WSDA must also include recommendations for legislative, administrative, or budgetary actions necessary to implement the plan, including whether to extend the task force, in the plan.

WSDA must provide a progress report on the development of the plan to the Legislature by November 1, 2024, and provide the plan itself to the Legislature by November 1, 2025.

WSDA may modify the fee schedule for the state program to the extent that funds are appropriated for the specific purpose of reducing fees to decrease the financial burden to achieve or maintain organic certification and increase participation in organic agriculture.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill.** *The committee recommended a different version of the bill than what was heard.* PRO: There are over 900 certified organic farms and over 145,000 acres of certified organic production in Washington, representing nearly \$1 billion in sales. There is agriculture in every county in Washington and Washington has the second most diverse agricultural sectors in the country. Organic agriculture can provide a pathway for farmers to earn higher values and regenerative agriculture can help make farms more sustainable. Organic systems generally lead to improved environmental performance and farmworker safety and eliminating the use of pesticides, herbicides, and soil amendments are good for people, water, soil, and climate. There is a need to support farmers transitioning to organic, together with farmers currently practicing organic. This bill will establish a strategic path to grow the organic section and be a great step in moving organic and regenerative agriculture forward. There needs to be adequate representation of farms of all sizes on the task force because it is about helping the farmer and creating new opportunities in organic and regenerative farming. Many organic farmers struggle with costs and the proposed organic inspection credit will be a great help to offset those costs. Increased assistance for inspection costs and market development is critical for bringing new farmers and historically underrepresented farmers into organic farming. Increasing organic and regenerative agriculture will help meet some of the state's climate goals.

OTHER: WSDA is the oldest and largest state-run certification agency in the country. The task force will bring the industry together for a common purpose and formal framework. The bill will provide a much-needed roadmap on how to best support and encourage the continued growth and adoption of organic practices. WSDA's fees were recently increased to cover operating costs and the bill will allow WSDA to use appropriated funds to offset

the cost of certification. WSDA is not the only certifier working in Washington and there could be a reimbursement process for those businesses that are certified by other certifiers.

**Persons Testifying:** PRO: Senator Marko Liias, Prime Sponsor; Melissa Spear, Tilth Alliance; Harold Austin, CORA; Anne SCHWARTZ, Coalition for Organic and Regenerative Agriculture; Mike Dill, Organically Grown Company & Coalition for Organic and Regenerative Agriculture (CORA).

OTHER: Brenda Book, WSDA Organic Program.

**Persons Signed In To Testify But Not Testifying:** No one.