

CHAPTER 4

Selling Specific Products



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Bees

All beekeepers are required to register their bees with the Idaho State Department of Agriculture (ISDA) if they have over 50 bee colonies. A minimum registration fee of \$10.00 is required for registering the first 50 colonies. Each additional colony in excess of 50 shall be assessed at the rate of 10 cents per colony. A five-cent-per-colony Honey Commission Assessment is also required.

Hobbyist beekeepers who are engaged in the management of honey bees for pleasure and whose stock does not exceed 50 colonies are exempt from registration with the ISDA. Hobbyists may register with the Honey Commission for a \$10.00 annual registration fee. The advantage to registering with the Commission is that hobbyist beekeepers would be on a registration list that is distributed to mosquito abatement districts, county extension leaders, and pesticide applicators, in hopes of preventing accidental bee kills. In addition the Commission supports honey advertising and research on honey bees.

Registration fees are dedicated funds that are used to support the Honey Commission, apicultural regulatory activities such as honeybee pest surveys or emergency programs, to maintain the apicultural registration database, and to allow ISDA personnel to attend national regulatory meetings with other state regulatory officials when necessary.

For more information, contact:

Michael E. Cooper, Bureau Chief Plant Industries Division Idaho State Department of Agriculture, P.O. Box 790, Boise, ID 83701, (208) 332-8620 Fax: (208) 334-2283, mcooper@agri.idaho.gov

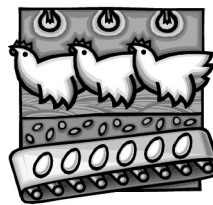
Compost

Composting in Idaho is governed by statewide regulations implemented at a local level by each of seven district health departments. Industrial waste, sewage sludge disposal and some agricultural practices may or may not fall under the regulations on the operation and site. Interested parties are requested to contact the jurisdictional health department for the county in which the activity is proposed for specific requirements and a pre-application meeting. The Idaho Department of Agriculture regulates retail sales of compost sold as fertilizer.

Composting involves the manipulation of aeration, moisture and nutrient balance of plant and animal residues to create ideal conditions for natural decay. It is accomplished with varying degrees of sophistication. Composting is performed to render certain materials more pleasant to handle, and increase the nitrogen content of some low-nitrogen materials (microorganisms “burn off” the carbon, reduce bulk and increase the nitrogen proportion of resulting material). It is also a useful tool for managing animal waste.

For more information, contact:

Rob Howarth, Idaho Department of Health and Welfare, Central District Health Department Division of the Environment, 707 N. Armstrong Place, Boise, ID 83704, (208) 327-8520
rhowarth@cdhd.idaho.gov



Eggs and Laying Chickens

The Idaho Department of Agriculture monitors the production and sale of eggs. If you have fewer than 300 hens and sell directly to the customer, you don't need a Department of Agriculture license, or an inspection, and you don't have to grade your eggs. You do not need a license from

the Health Department. You do need to write your name, address, and “ungraded eggs” clearly on each carton. You may print this information on address labels and attach them to the cartons. You may use previously-used egg cartons. Eggs must be stored at 45 degrees or lower. An ice chest may be used at



Turkeys at Morning Owl Farm, Boise, ID

events under four hours in duration. You must have a thermometer in the ice chest to track the temperature. A thermometer purchased from the kitchen section of the supermarket is fine.

If you have 300 or more hens, grade eggs, and sell to distributors or retailers, you will need a Department of Agriculture license and an inspection. The annual license is \$20 for each distribution location. The license fee to grade eggs is \$5. The Department of Agriculture license and inspection is to ensure that if a large number of chickens are raised in one location they are raised in a healthy environment. You will also need to purchase a license from your local health department, to ensure that the eggs are handled properly after they are produced.

For details specific to your location contact State of Idaho District Health Department

Free Range

“Free-range” is a popular label found on eggs, chicken and other meats. For poultry products, the USDA only requires that outdoor access be made available for an “undetermined period each day.” There is no regulatory oversight of this term for use on eggs.

Fertilized Eggs

These are eggs laid by a hen that has been bred by a rooster within 30 days or in a flock of at least one rooster per 20 hens and that incubating the eggs results in at least 80 percent of the eggs being fertile. These eggs are safe for eating. No certifier exists for this claim.

Pastured Poultry

These are chickens that are raised on pasture, allowing for foraging. These birds may have been given a grain feed supplement which may or may not be organic or entirely vegetable-based. There is no certification organization with oversight of this claim.

Sources:

Idaho Egg Law, Title 37 - Food, Drugs, and Oil Chapter 15 - Eggs and Egg Products, <http://adm.idaho.gov/adminrules/rules/idapa02/0211.pdf>

For more information, contact: Idaho Department of Agriculture Contact: Ramiro Benavidas (208) 332-8550

Feed

The most important purpose of feed regulation is to provide protection for the consumer and the regulated industry. Feed regulations safeguard the health of man and animal, and also provide a structure for orderly commerce.

In order to sell animal feeds in Idaho, the product must be registered with the Idaho State Department of Agriculture. Registration forms

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must be submitted along with a product label that lists all ingredients and includes a Guaranteed Analysis.

Products in packages of 10 pounds or less require a \$25 registration fee and are not subject to tonnage tax. Products in packages of over 10 pounds or in bulk require a \$5 registration fee and are subject to a \$0.20 per ton tax.

For more information contact:

Division of Plant Industries,
Feed & Fertilizer Section, P.O.
Box 790, Boise, ID 83701; (208)
332-8625, Fax: (208) 334-2283



Standards for Grades & Packs

Fruits and vegetables are inspected to assure uniformity and compliance with standards for grades and packs. These are set by the federal or state government for each type of commodity. Grading standards include attention to maturity, soundness, shape, size, color, and freedom from pest or mechanical injury. Packaging standards include attention to size, dimension, and labeling of containers used. Contact the ISDA Fresh Fruit and Vegetable Inspection Service to locate field offices, or for detailed information on inspection. Fees for inspection vary for each commodity.

Fish and Shellfish

Both state and local agencies have jurisdiction over the sale of fish directly to the consumer. Businesses selling fish or shellfish must be inspected and obtain licensing and food worker permits from the local county health department.

For more information, contact your county health district office (see Appendix) for specific information or the Idaho Department of Fish and Game, P.O. Box 25, Boise, ID 83707
www.fishandgame.idaho.gov

Fresh Fruits and Vegetables

Idaho farmers selling directly to the end consumer, restaurants, or grocery stores, may sell most produce without product inspection or licenses. However, inspection and licensing requirements apply for selling specific products in the State of Idaho.



For more information, contact:

Lee Stacey, Administrator Agricultural Inspections;
Idaho State Department of Agriculture, Fresh
Fruit and Vegetable Inspection Service; 2270
Old Penitentiary Road, Boise, Idaho 83701-0790;
208-332-8670 lstacey@agri.idaho.gov

Inspection Requirements for Fruits and Vegetables

To assure standard quality, inspection is required for certain fresh fruits and vegetables sold in the Idaho. Fresh apricots, Italian prunes, peaches, cherries, apples, pears, potatoes, and asparagus must be inspected by ISDA unless exempt from inspection (detailed below). Exempt products must still meet grade standards.

Farmers selling any amount of these products for resale (e.g. directly to grocery stores) must have their product inspected. Farmers selling these products directly to restaurants and institutional food services may or may not require inspection.

Exemptions – Produce sold direct to the end consumer is exempt from inspection when meeting the following criteria:

Producers can sell up to 2,000 pounds per day of each product (commodity), or 6,000 pounds/day of a combination of pears, peaches, apples, apricots, potatoes, asparagus, or Italian prunes without inspection.

Note: Cherries are not included in this exemption. This exemption applies to farmers' markets within the state, or fruit and produce stands within the same zone of production. Inspection is available for other fruit and vegetable crops to assure quality, but is not mandatory.

Sampling

Farms that offer individuals samples of sliced fruits and vegetables must follow serving guidelines set by the local county health department. Farms must follow food safety guidelines, but may not be required to obtain a Retail Food Service Establishment license from the District Health Department.

For more information, contact: Your local county health department (See Appendix for listing of health departments).

Marketing Orders for Idaho Fresh Fruits and Vegetables

Marketing agreements and orders are legal instruments authorized by the Agricultural Marketing Agreement Act of 1937 and in subsequent amendments. The Secretary of Agriculture is vested with the power to exercise the use of these instruments to regulate the marketing of eligible commodities ~ fruits, vegetables, specialty crops, and milk ~ in certain clearly specified ways. Marketing orders help fruit and vegetable growers work together to solve marketing problems that they cannot solve individually. They help balance the availability of quality product with



Flowers, Vegetables and Herbs on Display at the Market

the need for adequate returns to producers and the demands of consumers.

Marketing orders are binding on all individuals and businesses that are classified as “handlers” in the geographic area covered by the order. Marketing orders are distinguished from marketing agreements, which are binding only on handlers who are signatories of the agreements. The definition of handler and handling depends on the particular program. As defined in most agreements and orders, a handler is anyone who receives the commodity from producers, grades and packs it, transports, or places the commodity in commercial channels. Handlers must comply with the grade, size, quality, volume, or other requirements established under the program.

For more information visit: <http://www.ams.usda.gov/fv/sm-bus-c.htm>

ISDA Fresh Fruit & Vegetable Inspection Service

FF&V is a not-for-profit organization dedicated to serving all of Idaho's agricultural needs. Idaho has one of the largest and longest running shipping point programs in the United States, inspecting over 10.3 billion pounds of commodities in fiscal

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year 2006. The staff inspects potatoes, onions, apples, peaches, pears, apricots, nectarines, cherries, plums, prunes, and pluots.

The demands of the service are voluntary for certification on most fruits and vegetables, however potatoes and onions are under federal marketing orders (see below). Each requires compulsory inspection and certification on nearly all shipments. Potato and onion growers and processors also use the fed-state inspection service to insure contract specifications are met and satisfy demands of sale at the farm gate. <http://www.idahoag.us/Categories/InspectionsExams/FFV/indexFFVhomepage.php>

Federal marketing orders, initiated and supported by industry, improve agricultural commodity marketing and ensure an adequate, safe consumer food supply. They adhere to legal requirements and USDA policy direction. Currently, 31 fruit and vegetable marketing orders exist. Growers, handlers and public members serve on marketing order committees and boards, which locally administer the orders.

Idaho FF&V contact information:

Lee Stacey, Administrator, Ag. Inspections (208) 332-8670; Cindy Stark, Agriculture Program Manager (208) 332-8672; Beth Nicolson, Technical Records Specialist I (208) 332-8670

Herbal Products

Herbal products fall into two categories: **Dietary supplements** and **cosmetics**. Dietary supplements are products that are ingested, such as dried herbs, teas, tinctures, capsules, and tablets. They must meet regulatory requirements for processed foods (see Processed Foods section) as well as those listed below. Cosmetics include lotions, salves, and other cosmetic items applied dermally.

Herbal products will be identified by the common or usual name and the part of the plant used to make the supplement (such as root, stem or leaf). If the common or usual name is not listed in Herbs or Commerce, published by the American Herbal Products Association, use the Latin biomial name.

Cosmetics

The regulatory requirements governing the sale of cosmetics are not as stringent as those that apply to other FDA-regulated products. Under the Federal Food, Drug, and Cosmetic (FD&C) Act, cosmetics and their ingredients are not required to undergo approval before they are sold to the public. Generally, FDA regulates these products after they have been released to the marketplace. This means that manufacturers may use any ingredient or raw material, except for color additives and a few prohibited substances, to market a product without a government review or approval.

Some regulations do apply to cosmetics. In addition to the FD&C Act, the Fair Packaging and Labeling Act requires an ingredient declaration on every cosmetic product offered for sale to consumers. In addition, these regulations require that ingredients be listed in descending order of quantity. Water, for example, accounts for the bulk of most skin-care products, which is why it usually appears first on these products.

Although companies are not required to substantiate performance claims or conduct safety testing, if safety has not been substantiated, the product's label must read "WARNING: The safety of this product has not been determined."

Dietary Supplements

The FDA defines dietary supplements as a product (other than tobacco) that is:

- Intended to supplement the diet that bears or contains one or more of the following dietary ingredients: a vitamin, a mineral, an herb or other botanical, an amino acid, a dietary substance used by humans to supplement the diet by increasing the total daily intake, or a concentrate, metabolite, constituent, extract, or combination of all of these ingredients.
- Intended for ingestion in pill, capsule, tablet, or liquid form.

The manufacturer is responsible for ensuring that the supplement is safe before it is marketed, as required by the Federal Dietary Supplement Health and Education Act of 1994.

Claims may not be made about the use of a dietary supplement to diagnose, prevent, mitigate, treat, or cure a specific disease. For instance, statements such as “cures cancer” or “treats arthritis” may not be used. However, appropriate health claims authorized by FDA such as “calcium reduces the risk of osteoporosis” may be used if the supplement qualifies to bear that claim. The manufacturer may also describe a supplement’s effects on the structure or function of the body or the “well-being” achieved by consuming the dietary supplement.

To manufacture a dietary supplement you are required to be registered with the US Food and Drug Administration at <http://www.fda.gov/>.

In addition to the labeling requirements for processed foods (see Chapter 5 Labeling of Processed Foods section), a statement of identity will appear on the front panel of the product label. The statement must use the terms “dietary supplement” or a term identifying the contents of the product, such as “Vitamin C supplement” or “Herbal supplement. All ingredients in the product will be declared in

the ingredient statement or within the “Supplement Facts” panel.

For more information contact:

Alan Bennett, Public Affairs Specialist, USFDA, Portland, OR, (503) 671-9711 x. 22, alan.bennett@fda.hhs.gov
Stephanie Magill, Public Affairs Specialist, USFDA, Bothell, WA, (425) 483-4911, stephanie.magill@fda.hhs.gov or visit www.foodsafety.idaho.gov.

Honey

The Idaho Bee Inspection Program was designed to minimize the presence and spread of bee pests and diseases within the state.

All beekeepers are required to register their bees with the Idaho State Department of Agriculture and pay a registration fee as well as a honey advertising tax on each colony of bees. Permits are required to bring bees into Idaho from other states (see Chapter 4 Selling Specific Products on Bees). <http://www.idahoag.us/Categories/PlantsInsects/Bees/indexapiary.php>

Other Resources:

Idaho Honey Industry Association
Dale Reisinger, President
PO Box 911

Blackfoot, ID 83221 (208) 684-3172 phone or fax

Idaho Honey Advertising Commission
Phil Puckett, District 1
Golden Millet, District 2
Kevin Howell, President, District 3
1183 W. 7800 S
Rexburg, ID 83440
(208) 356-7676



Meat

Processing of meat and livestock for sale direct to consumers is regulated by the ISDA and the USDA, depending on the type

of sale. For the purposes of this section, “livestock” refers to cattle, swine, sheep, and goats (does not include Poultry – see Poultry section below).



Beef Cattle at Four Seasons Farm Priest River, Idaho

Custom Meat Processing

Producers may sell livestock by live weight to the end consumer. The end consumer then contracts with a custom slaughterer (fixed facility or mobile truck) and the meat must be marked “Not For Sale” and may not be sold, served or given away to any member of the public. This meat must be for the use in the household of the end consumer, their families, non-paying guest and employees only. Sometimes the producer may negotiate this contract. The custom slaughterer must be licensed by the ISDA Food Safety program. Custom slaughtered meat is considered “uninspected,” and cannot be resold. It can only be consumed by the owner of the animal.

The end consumer may elect to cut and wrap their meat or may contract with a custom meat processing facility for this service. The custom meat processing facility must be licensed by the ISDA Food Safety Program. A list of licensed custom slaughter and custom meat processing facilities is available by contacting the ISDA Food Safety Program.

Poultry is not included in the custom meat law. See the Poultry section for specific rules pertaining to the sale of poultry in the State of Idaho.

For more information contact: The Idaho State Department of Agriculture, Division of Animal Industries (208) 332-8540 or (208) 332-8560. There is also a general email account set up at animal_info@agri.idaho.gov.

USDA Inspected Meat Sales

Producers who wish to sell meat from livestock animals and animal products (as opposed to live animals) must have the animals slaughtered and processed in a USDA inspected facility. Some facilities have minimum head number requirements or work only on contract, and many process only beef.

USDA Licensed Mobile Processing Units

USDA Licensed Mobile Processing Units (MPU) can be used to process meat that will be sold by the pound. Livestock are slaughtered on site and taken to a fixed site facility for final cutting and packaging. MPU's can provide access to processing where processing facilities are not available or inaccessible to small or non-contracted farmers. MPU's must have a grant of inspection from USDA to process meat that will be sold by the pound. Information on obtaining a grant of inspection from USDA is available by contacting: USDA Food Safety and Inspection Service Boulder

Office: 665 South Broadway, Suite B, Boulder, CO 80303; (303) 497-5411 or USDA technical service center: 1-800-233-3935 <http://www.fsis.usda.gov>

For specific information about ISDA Guidelines for Other Label Claims on Meat, Animal, and Food See Chapter 5 on Labeling.

Wild Game Species (elk, deer, fowl)

Exotic animal meat (e.g. game animals or buffalo) can be sold within the State of Idaho when slaughtered and processed at a licensed ISDA food processing facility (see Processed Foods section). To sell meat from exotic animals outside the State of Idaho, animals must be taken to a processing facility that has a USDA grant of inspection for the particular exotic species.

Game animals are to be completely separated from other food during storage, processing, preparation and service with the use of separate equipment or areas or by scheduling and cleaning. Each carcass or divided parts and packaged or wrapped parts are to be marked or tagged with a “Not for Sale” label. These may not be sold, given away, or served to any members of the public.

Hunters’ game animals can be custom processed by a licensed ISDA food processor. Rabbit processing requires a license from your local Department of Health. Elk farms are allowed in Idaho, while not in some neighboring states.

Ostrich, emu, or rhea (ratites) pigeons (squab) are considered to be “poultry” (see Poultry section). Additional information regarding general meat processing can be found in the section on Meat.

For more information: <http://www3.state.id.us/cgi-bin/newidst?scid=050030038.K>

Selling Meat at Farmers’ Markets

Farmers in some counties can sell fresh or frozen USDA-inspected meat utilizing mechanical

refrigeration, with appropriate licensing. Some county health departments allow the sale of USDA-inspected meats utilizing non-mechanical refrigeration at farmers’ markets with specific regulations. For current regulations in your county, contact your local county health department (see Appendix) and your local farmers’ market.



Milk and Dairy Products

ISDA provides oversight on the dairy and egg industries within Idaho. This oversight helps to ensure safe, wholesome milk, milk products, shell egg and poultry products for consumers.

The programs encompass sanitary inspections of dairy farms, bulk milk haulers, processors, manufacturing and processing equipment, warehouses, stores and other businesses where milk and dairy products are manufactured, stored, sold or offered for sale. Other duties include inspection of establishments where shell eggs are packaged, stored or offered for sale. ISDA is also responsible for the protection of surface and groundwater from dairy farm waste, which is accomplished through routine inspections and testing of dairy farm waste handling and containment facilities, land application sites, and review and approval of new or modified systems.

In addition to state enforcement requirements, ISDA works in conjunction with several federal agencies through cooperative agreements or memoranda of agreement to protect the environment and ensure safe food products. Laws and rules require dairy farms to develop nutrient management plans (NMPs) on all licensed dairy farms. These plans also aid in the appropriate applications of nutrients to cropland. A certification process has been implemented to assist in the development of these plans. The department uses ground truthing plans to verify information.

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ISDA is also responsible for enforcement of the Agriculture Odor Management Act, Title 25, Chapter 38, Idaho Code, as it relates to Idaho dairy farms. Dairy farms that emit odors in excess of those odors normally associated with agriculture in Idaho would be cited by ISDA thereby requiring the facility to develop an Odor Management Plan to reduce odors. ISDA works in conjunction with the University of Idaho and the industry to find economically viable and effective means to minimize offensive odors on dairy farms.

A dairy farm must comply with several state, federal and county requirements for the design, construction, and approval of new or expanded facilities. Some county requirements relating to setbacks, animal numbers, and other conditional provisions may differ depending on the county. Dairies are governed by Idaho Code and the Idaho State Department of Agriculture IDAPA Rules.

Cheese, Butter, and Other Dairy Products

Dairy farms wishing to process cheese products, butter, and/or other dairy products must obtain a Milk Producer License and Milk Processing Plant License from ISDA.

Cheese can be processed from pasteurized milk or raw milk. If processing cheese from raw milk, the cheese must be aged at not less than 35 degrees Fahrenheit for at least 60 days. Other value-added dairy products (e.g. chocolate milk, buttermilk, eggnog, and yogurt) can only be processed from pasteurized milk.

Licensing & Fees

- Milk Producer License
- Milk Processing Plant License
- Contact the ISDA Food Safety Program for one-on-one technical assistance for a dairy farm or milk processing plant
- The Food Safety Program can help you with:

- The application process for your license
- Design layout for your milking parlor, milk house and milk processing plant.
- Approval of equipment you are seeking to purchase.
- Food science handling and processing techniques to help produce a safe, quality product for your customers.

For more information contact:

Idaho State Department of Agriculture
Mike Wiggs, Dairy Program Manager, (208)
731-0578 mwiggs@agri.idaho.gov



Mushrooms

Wild or cultivated mushrooms may be sold at some farmers' markets, grocery stores, restaurants or other direct sales venues depending on local regulations. To sell processed mushrooms (e.g. dried, sliced or canned), an ISDA Food Processing License is required (see Processed Food section below).

There are about 40 varieties of edible mushrooms growing in Idaho ~ including some highly poisonous varieties. It is important to be able to identify wild mushrooms. Some varieties can be fatal or cause the person consuming the mushroom to be very ill.

Mushrooms commercially harvested on private and public lands in the State of Idaho must be harvested with proper permission and permits. This applies to all public and private land in the state, including land owned by the Idaho State Department of Natural Resources (DNR), USDA Forest Service, and private landowners. Mushrooms harvested and sold on Native American Tribal lands do not require permitting, but any sold on non-tribal lands must be harvested with a permit.

All individuals who harvest wild mushrooms must obtain written permission from the agency or private landowner prior to harvesting. Information

on the availability, price and application process can be obtained from the National Forest from which you desire to obtain the product. Individuals who harvest or transport more than five gallons of a single species of mushroom at one time must also possess a validated Special Forest Products Permit. Permits must be kept on hand at all times while harvesting or hauling mushrooms.

Agencies/landowners may require additional permits to harvest mushrooms on their property. Anyone wishing to harvest mushrooms on USDA Forest Service lands must also obtain a Commercial Use Permit from the National Forest District office closest to the harvest site. Rules and fees for these permits vary for each National Forest District.

For more information, visit the website at <http://www.fs.fed.us/recreation/permits/products.htm> for additional permit information. For information on growing and selling mushrooms visit <http://info.ag.uidaho.edu/pdf/CIS/CIS1077.pdf>



Nursery Products

The Idaho legislature and the Idaho nursery and florist industry found that the propagation and raising of nursery and florist stock is an agricultural pursuit that

should be regulated and assisted by the Department of Agriculture to provide a high-quality and pest-free product to the citizens of Idaho and Idaho's external trading partners.

Anyone who engages in, conducts, or carries on the business of propagating, growing, selling, dealing in, or importing into Idaho, for sale or distribution, any nursery or florist stock, or engages in the installation of landscape plants, or acts as an agent, salesman, or solicitor for any nurseryman, florist, landscape contractor, or dealer in nursery or florist stock must first obtain a license to do so from the Idaho State Department of Agriculture (ISDA).

Note: This license does not include Landscape Architects. To obtain information about a Landscape Architect license, contact the Bureau of Occupational Licenses at (208) 334-3233 or visit their homepage at: www.ibol.idaho.gov.

"The provisions of this chapter shall not apply to the sale of plants, shrubs, scions, or florist stock by any person not regularly engaged in that business when said sales are only incident to the seller's farming or gardening operations and the total amount of gross annual sales by such seller does not exceed five hundred dollars (\$500). The department shall have the authority to inspect any nursery or florist stock in the possession of any person exempted by this subsection, when it has reason to believe that there may be a pest concern or quarantine violation."

The license fee is \$75.00 for each calendar year. The license expires January 1 of every year, no matter when in the calendar year the license is issued. The ISDA inspects as many licensed nurseries and florists as possible and as often as the department considers necessary to facilitate exports and to detect and control pests and diseases.

For more information contact:

Ruth Herman, Technical Records Specialist and
Michael E. Cooper, Bureau Chief, Bureau of Feeds and Plant Services Division of Plant Industries,
Idaho State Department of Agriculture,
P.O. Box 790 Boise, ID 83701
Physical Location: 2270 Old Penitentiary Road
Boise, ID 83712, (208) 332-8620 Fax: (208) 334-2283

Organic Certification

"Organic Agriculture" is defined as an ecological production management system that promotes and enhances biodiversity, biological cycles, and soil biological activity. It is based on minimal use of off-farm inputs and on management practices that restore, maintain, and enhance ecological harmony.

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“Organic” is a labeling term that denotes products produced under the authority of the federal Organic Foods Production Act of 1990. The USDA National Organic Program (NOP) and accredited certification agencies regulate organic foods.

All products sold as organic in Idaho and everywhere in the United States must be certified by a NOP-accredited certification agency.

Organic certification means that an independent third party has verified that the requirements of organic crop production, processing and handling have been met.

Businesses selling less than \$5,000 of organic products annually do not need to be certified, but must follow NOP standards. In the State of Idaho, if gross sales of organic products are \$5,000 or less, you must register with the ISDA Organic Program in order to use the term “organic.” Annual registration fee is \$50.00.



The Idaho Certified Organic label has the full force of law behind it as well as the support of the Idaho Organic Alliance, the Idaho Organic Feed Growers Association and the Idaho State Department of

Agriculture (ISDA).

In 2002, the ISDA received its accreditation as an organic certifying agency by the USDA National Organic Program. For organic certification, a producer/handler must submit an application, pay a nominal application fee and undergo an on-site inspection. If all requirements are met, the producer/handler is then certified as organic for the products produced.

The organic certification program is designed to give the consumer assurances regarding the term “organic” when it is used in the marketing

and labeling of food products. Certification also benefits Idaho organic producers by facilitating the development of out-of-state and out-of-country markets for their Idaho certified organic products.

The Idaho organic law covers all agricultural, horticultural and viticulture products and now includes poultry, livestock, dairy, and aquaculture.

Certification Process

Program registrants submit an application, appropriate fees and a producer/handler organic plan with farm maps to the ISDA. Accurate recordkeeping is required. An inspector will visit each farm or handling operation during the growing season and samples may be taken for pesticide residue analysis. Depending on the type of operation, the inspection may include a field visit, soil/foilage sampling/review of equipment, storage and processing sites, as well as review of records detailing inputs, growing practices and/or handling/processing practices. Additional unannounced on-site inspections may be conducted.

For confirmation of a producer’s certification status, a copy of the organic growing standards, a resource guide or information on becoming a certified organic producer/handler, contact: Margaret Misner, Idaho State Department of Agriculture Division of Agricultural Inspections Plant Industries, P.O. Box 790, 2270 Old Penitentiary Rd., Boise, ID 83707, (208) 332-7320; mmisner@agri.idaho.gov

Penalty for violation of organic regulations: Any person(s) violating a rule promulgated by the Director may be assessed a civil penalty by the Idaho State Department of Agriculture or its duly authorized agent of not more than \$10,000 for each offense and are liable for reasonable attorney fees.



The National Organic Program (NOP) specifies allowed and prohibited practices pertaining to seeds/seedlings/perennial transplants, soil fertility and crop nutrient management,

crop rotation and cover crops, natural resource conservation, weed/pest/disease management, harvest/packing/storage, and record-keeping. Prior to receiving organic certification, you must verify that no prohibited materials have been applied to your farm for at least 36 months.

For more information, contact: USDA-AMS-TMP-NOP, Room 4008 South Building, 1400 Independence Avenue, SW, Washington, DC (202) 750-0020, (202) 720-3252, www.ams.usda.gov/nop



The Organic Materials Review Institute

(OMRI) is a national nonprofit organization

that determines which input products are allowed for use in organic production and processing. OMRI Listed or approved products may be used on operations that are certified organic under the USDA National Organic Program.

OMRI's core service is the Review Program. OMRI accepts applications for products intended to be used in organic production or processing to determine whether they are in fact allowed under the National Organic Program. Some typical examples of the types of OMRI reviews are fertilizers for organic farming and feed supplements for organic animal production.

For more information, contact: OMRI, Box 11558, Eugene, OR 97440, (541) 343-7600 info@omri.org



Out-of-State Certification with Oregon Tilth Certified Organic (OTCO)

At the request of growers or handlers; OTCO provides certification services outside of the state of Oregon. In areas

where no local certification program exists, OTCO tries to encourage interest in establishment of locally managed certification programs. Over the years, OTCO has made its certification materials available to people in many different states and countries. When a significant number of operators become certified in a foreign country, the OTCO Procedures Manual is made available in the relevant language.

Certification transference (acceptance of a certification performed by another certification program) is especially important for growers who ship products across state borders or to international markets, and for organic processors and handlers who work with ingredients from many different sources. For organic products to be sold in the U.S., OTCO accepts certifications from other USDA accredited or recognized certification programs that apply National Organic Program standards and competent, independent, certification procedures equivalent to those of Oregon Tilth. In turn, OTCO certification is recognized throughout the United States and internationally.

For more information, contact: Oregon Tilth, 470 Lancaster Dr. NE, Salem, Oregon 97301, (503) 378-0690 organic@tilth.org



Out-of-State Certification with Quality Assurance International (QAI)

Independent, third party certification of organic food systems has been the foundation of domestic and

international organic food trade. The evolution of this verification effort, which documents the authenticity of organic farming and various subsequent levels of handling, is mandatory under the USDA's Agricultural Marketing Service (AMS) and full implementation of the National Organic Program (NOP) Final Rule. This rule requires certification of all products labeled as organic in the United States.

Each participant in the QAI program is viewed as an independent entity. Because QAI recognizes that no two operations are identical, each entity is provided with the greatest level of individualized service possible within the parameters of the program's high level of integrity, and within the uniformity of national standards promulgated by the USDA under OFPA.

For more information, contact: QAI Corporate Offices 9191 Towne Centre Drive, Suite 510, San Diego, CA 92122, (858) 792-3531 qai@qai-inc.com



Poultry for Meat

An increasing number of small poultry producers, also called "growers," are raising, slaughtering, and processing their poultry on their farms

and selling the meat directly to customers at the farms or at farmers' markets. Some of these small producers are going further by building processing facilities with the intent of supplying local customers, including household consumers, retail stores, restaurants, boarding houses, and institutions. The term slaughter is a term used

for killing poultry for the use as human food. The term "processed" or "processing" refers to operations in which the carcasses of slaughtered poultry are defeathered, eviscerated, skinned, boned, canned, salted, stuffed, rendered, or otherwise manufactured or processed.

The type of birds, number of birds processed (slaughtered) per year and sales venue determines the licensing and inspection requirements for selling poultry direct to the consumer in the State of Idaho. Poultry processing is regulated by the USDA if more than 20,000 chickens or more than 5,000 turkeys are processed annually.

A poultry farm/processing business that slaughters from 1 to 19,999 small birds (e.g. chicken, pigeon, duck) or 1 to 4,999 turkeys annually can become licensed as a food processor by the local District Health Department. This allows the farm to sell their small birds and turkeys directly from the farm, at farmers' markets, on the Internet, to hotels, restaurants, food service institutions, grocery stores, or through wholesale food distribution within the State of Idaho.

Contact your local District Health Department for one-on-one technical assistance with the licensing process, your processing facility design and construction materials, equipment, cooling procedures, water source, waste water disposal, and food science techniques for preventing cross-contamination of your poultry products. You can also contact the Food Safety Program to talk about the licensing requirements before submitting your licensing application.

For more information, contact:

Patrick Guzzle, Food Protection Program Manager, Idaho Department of Health and Welfare.
(208) 334-5936 guzzlep@dhw.idaho.gov

**USDA inspection is required
for businesses that slaughter and process
20,000 or more small birds per year or 5,000 or
more turkeys per year.**

For further information contact:

USDA Food Safety and Inspection Service –
Boulder Office, 665 South Broadway, Suite B
Boulder, CO 80303, (303) 497-5411 or USDA
Technical service center: (800) 233-3935 [http://
www.fsis.usda.gov/](http://www.fsis.usda.gov/)

Pastured Chickens

Pastured Chickens are defined as chickens that spend at least half their life span on pasture, range, or ground covered with vegetation that is suitable for grazing. Farms selling 1,000 or less slaughtered pastured chickens may either obtain a Food Processor License (see sales and technical assistance opportunities described above), or obtain a Temporary Permit to Slaughter Pastured Chickens, which restricts the farm business to on-farm sales of slaughtered chickens directly to the end consumer.

Farmers' Market sales, direct to restaurant and grocery sales, Internet sales, or any other sale avenues are NOT allowed under the Temporary Permit to Slaughter Pastured Chickens. Prior to issuance of permit, an Environmental Health Specialist from the local district health department must inspect the facility and determine that the facility meets food safety laws and regulations. Applications must be submitted at least six weeks prior to first slaughter. There is no regulatory oversight of this term for use on eggs.

Free Range (poultry)

"Free-range" is a popular label found on eggs, chicken and other meats. For poultry products, the USDA only requires that outdoor access be made available for an "undetermined period each day." There is no regulatory oversight of this term for use on eggs.

Un-caged (poultry)

Any poultry that has been raised since one-day-old with a minimum of four square feet of living space (including both inside and outside areas) per bird, and has access to outside areas that provide a minimum of one-and-one-half square feet of outside living space per bird. Minimum living space requirements are calculated for the size of a five-pound adult chicken and requirements for other poultry animals are calculated proportionately according to the size of the species.

Ostrich, Emu and Rhea

Large birds such as ostrich, emu, and rhea (ratites) can be processed in USDA inspected facilities or facilities that are licensed as described above. These facilities may slaughter 19,999 or less large birds per year. These processors must apply to the USDA Food Safety and Inspection Service for exemption from inspection.

Prepared Foods and Food Service

The Idaho food processing laws may limit what you can sell and to whom, they may set minimum guidelines for the steps you must take to prepare and sell certain foods, and they may require you to obtain licenses and have your facilities inspected by local officials. Complying with these laws and regulations which are based on protecting the health and safety of our food supply will be essential to the future of your operation. Local district health departments license and inspect retail food service establishments in the State of Idaho.

Product liability is a term that addresses claims of customers who have been injured by a product and provides a determination of responsibility for those damages on the part of all persons or entities in the chain of custody of the product.

Processing foods is often a way to add value to food items, such as making jams from damaged fruit, cheese, and baked goods. Direct marketers involved in selling processed products fall under local, state, and federal laws which regulate the foods industry.

Minimally altering food items, such as cutting lettuce and mixing it in bags for ready-to-eat salads, or juicing apples, may be considered processing and be subject to food safety laws and regulations. The sale of meats, poultry, eggs, and dairy products are all subject to extensive laws and regulations controlling site requirements, processing procedures, warehousing issues and where these products can be sold. All businesses selling prepared foods at farmers' markets, on-farm, or any other location must be licensed by the district health department as a Food Service Establishment.

Farmers who direct market processed products must be familiar with regulations affecting their operation. These regulations specify guidelines for processing practices and requirements for facilities as well as provisions for regular inspections. Compliance with these regulations assures that proper food safety techniques are in place and reduce the likelihood of products becoming contaminated.

If a claim regarding harm should arise, evidence that these regulations have been followed results in reduced effects of liability. Violation of these regulations may result in strict negligence in which the marketer will most likely be liable.

Although local health department officials work for agencies that enforce regulations that may seem onerous to the producer, they can just as easily become your allies in solving problems and helping to meet local and state regulations. Building constructive working relationships with these individuals and getting to know them will help direct marketers meet food safety requirements.

See Appendix for a complete listing of local district health departments.

Processed Foods

Food processing is defined as, "the handling or processing of any food in any manner of preparation for sale for human consumption."

All businesses selling processed foods directly to the consumer at farmers' markets, on-farm, or any other location must obtain a Food Establishment license from the local district health department.

Processed foods include: Dried fruits, jams, salsa, sauces, cheese, dried herbs, teas, breads, cookies, cider, juice, milk and dairy products, blended cut salad greens, etc. It does not mean fresh fruit or vegetables merely washed or trimmed while being prepared or packaged for sale in their natural state. See Labeling of Processed Foods section for information on labeling.

You can sell some types of processed foods within your county and directly to consumers via on-farm sales or farmers' markets if the district health department has licensed your business as a Food Service Establishment. Contact your local district health department for further retail licensing information (see Appendix).

You should also contact the district health department for one-on-one technical assistance with:

- Licensing, application process and requirements
- Processing facility design and construction materials
- Utensil and equipment requirements
- Heating and cooling procedures
- Water source and cross-connections
- Waste water disposal
- Pest control strategies
- Product labeling
- Preventing cross-contamination

For more information contact:

Patrick Guzzle, Food Protection Program Manager,
Idaho Department of Health and Welfare.

(208) 334-5936 guzzlep@dhw.idaho.gov or Idaho
Small Business Development Center
www.idahosbdc.org (800) 225-3815

Commercial Kitchen Rental

If you wish to process your farm produce but do not have the facilities or capital to invest in infrastructure, you may find a kitchen that you can use. Some restaurants, community centers, and Grange halls, for instance, allow the use of their facilities for food processing. “Commercial” or “community” kitchens may be available in your area.

If you are selling your products within the county, directly to the consumer on-farm or at a farmers’ market, the commercial kitchen may be licensed by your county health department. Call your local district health department for locations of existing commercial kitchens (see Appendix for local health department listings). If you are selling your processed food products outside the county via any commerce channels (e.g. farmers’ markets, Internet, hotels, restaurants) or are processing a cheese product or low-acid canned foods, the commercial kitchen must meet requirements for food processing.

Each business that processes food in a commercial kitchen must have a Food Processor License. Businesses selling processed foods should also have adequate liability insurance.



Seeds: Field Inspections for Export and Seed Certification

Many states and foreign countries require a Phytosanitary Certificate for the importation of seed crops. Often, regulations require a growing season inspection by an official certifying agency in the country

of origin, and the results of the inspection must be recorded on the Phytosanitary Certificate. Inspectors at the Idaho Department of Agriculture, Plant Industries Division, are qualified to carry out these inspections.



Jams and Jellies at Farmers' Market

Growers or companies producing seed for export who require Phytosanitary Certificates for their crops should contact the Idaho Department of Agriculture, Plant Industries Division, to request an application for field inspection of seed for export. The application should be submitted as soon as possible after planting.

Any person who owes or has any financial obligation to an Idaho producer for seed crop grown by that producer and transferred to that person is known as a Seed Buyer. Purchasing seed crop from Idaho producers requires a license in the state of Idaho. Any person operating as a Seed Buyer without a license is guilty of a felony. See §22-5110, Idaho Code.

To protect your investment and be eligible for the Seed Indemnity Fund, only deliver, sell or contract your seed crops to seed buyers licensed by the Idaho State Department of Agriculture. Please report any

CHAPTER 4 *Selling Specific Products*

person that DOES NOT have a Seed Buyer license who solicits, contracts for or obtains seed crops from Idaho producers.

For more information, contact: the Idaho State Department of Agriculture, Warehouse Control Program, (208) 332-8660. <http://www.agri.idaho.gov/Categories/Warehouse/SeedBuyers/indexseedbuyers.php>

Sprouts

Seed sprouts have emerged as a significant source of foodborne illness, and consumption of fresh sprouts has become a public health concern of some magnitude. The failure of efforts by regulatory authorities and industry to ensure the safety of the product has resulted in raw sprouts being declared, in the US, a high-risk food to the general public. New US Food and Drug Administration guidelines require the treatment of seeds to be followed by microbial testing of the spent irrigation water from each batch of sprouts prior to distribution.

Efforts should be made to reduce the potential for seed contamination during growing, harvesting, conditioning, storage, and transportation. These risks can be reduced by applying the principles of Good Agricultural Practices for fruits and vegetables as outlined by the US Food and Drug Administration.

The requirements for water, manure, worker health, sanitary facility, field sanitation, transportation and trace-back are provided by your local health department. Although this information is not specific to sprouts, it is relevant. Additional recommendations on seed conditioning, storage and transportations are provided in the FDA's Guide for the sprout industry. Get in touch with your local health department for details (see Appendix for contact information).

Value-Added and Specialty Food Products

What is "Value-Added"? It is additions of time, place, and/or some form of usefulness to a commodity in order to meet the preferences or tastes of the consumer. The true test of value-added is achieved when the after-tax return on invested capital used to generate time, place, and/or form utility exceeds the overall cost of capital.

Value-added food products are raw or pre-processed commodities whose value has been increased through the addition of ingredients or processes that make them more attractive to the buyer and/or more readily usable by the consumer. It is also a production/marketing strategy driven by customer needs and perceptions.

"Specialty food" products can be loosely defined as premium-priced food products that provide an added-value appeal for one or more of the following reasons:

- Quality of ingredients, manufacturing process and/or finished product
- Sensory appeal, flavor, consistency, texture, aroma and/or appearance
- Presentation (branding or packaging)
- Origin (where the product was manufactured)
- Distribution channel (specialty food retail outlets or sections within supermarkets/grocery stores).

The Idaho State Department of Agriculture Marketing and Development Division has published *A Comprehensive Guide for Idaho Specialty Food Processors* that is available by contacting the Idaho State Department of Agriculture, International Trade and Domestic Market Development, P.O. Box 790, Boise, ID 83701-0790 (208) 332-8530 Fax: (208) 334-2879 or www.idahoag.us

Wine, Beer and Hard Cider

Every brewery and winery must have a Federal Basic Permit from the US Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau (TTB). Once an application packet has been completed, returned, and approved, an inspection of the facility will take place. When the facility passes inspection, an appropriate permit (i.e. license to manufacture or wine seller's license) will be issued. Contact the TTB to receive an application packet at the Alcohol and Tobacco Tax and Trade Bureau, Northwest Field Office, 500 East Broadway, Suite 280, Vancouver, WA 98660. (360) 696-7900 <http://www.ttb.gov>

The Manufacturers, Importers, and Distributors section of the Idaho State Liquor Dispensary (ISLD) enforces state liquor laws and administrative rules

applicable to breweries, wineries, and spirituous liquor manufacturers. If you wish to produce only alcohol-containing beverages, licensing for your facility is through the ISLD. The ISLD requires that ISLD sanitation standards be maintained, (contact ISDA Food Safety Program for more information). If you process or manufacture a soft drink-type product or other food products in addition to alcoholic beverages, then a Food Processor License from ISDA is also required.

For more information contact: the Idaho State Liquor Dispensary, 1349 East Beechcraft Court, Boise, ID 83716 (208) 947-9400 or Idaho Alcohol Beverage Control, (888) 222-1360
abc@isp.idaho.gov

