
Rules of
Department of Agriculture
Division 70—Plant Industries
Chapter 16—Missouri Department of Agriculture
Organic Program

Title	Page
2 CSR 70-16.010 Definitions of the Missouri Department of Agriculture Organic Program	3
2 CSR 70-16.015 The Adoption of NOP Standards	3
2 CSR 70-16.020 MDA Organic Program Advisory Board	3
2 CSR 70-16.025 Procedures for Organic Certification	3
2 CSR 70-16.030 Records to be Maintained for Certification	4
2 CSR 70-16.035 Inspections and Sampling for Certification	5
2 CSR 70-16.040 Complaints and Investigations	5
2 CSR 70-16.045 Compliance Enforcement	5
2 CSR 70-16.050 Certificates Issued as Result of Certification with the MDA Organic Program	5
2 CSR 70-16.055 MDA Organic Program Seal	6
2 CSR 70-16.060 Registration with the MDA Organic Program	6
2 CSR 70-16.065 Inspection and Sampling for Registration	7
2 CSR 70-16.070 Marketing When Registered with the MDA Organic Program	7
2 CSR 70-16.075 Organic Certifying Agent Registration	7

Title 2—DEPARTMENT OF AGRICULTURE

Division 70—Plant Industries Chapter 16—Missouri Department of Agriculture Organic Program

2 CSR 70-16.010 Definitions of the Missouri Department of Agriculture Organic Program

PURPOSE: This rule defines terms to be used when implementing the Missouri Department of Agriculture Organic Program.

(1) These definitions apply to all rules adopted and incorporated under authority of section 261.110, RSMo Supp. 2002, unless specified differently by statute or law.

(A) Certifying agent registration. “Certifying agent registration” means the mandatory act of filing with the director, on forms provided by or approved by the department, the name and address of any accredited certifying agent that certifies organic entities within the state of Missouri.

(B) Department. The “department” means the Missouri Department of Agriculture (MDA).

(C) Director. The “director” means the director of the Missouri Department of Agriculture, or designee.

(D) Missouri-based. “Missouri-based” means any organic entity with not less than fifty-one percent (51%) of the certified organic production area and of any production/handling facility(ies) located within the state’s borders.

(E) NOP. “NOP” means the National Organic Program, as outlined in *Federal Register* Vol. 65, No. 246 NOP 7 CFR, Part 205.

(F) Organic entity. “Organic entity” refers to any producer or handler, and the production or handling site and/or facility, that utilizes methods that adhere to those required by NOP 7 CFR, Part 205.

(G) Organic registration. “Organic registration” means a voluntary act of filing with the director, on forms provided by or approved by the program.

(H) Program. “Program” means the Missouri Department of Agriculture (MDA) Organic Program.

(I) Transitional-to-organic. “Transitional-to-organic” means any Missouri-based agricultural producer or handler that is converting from conventional to organic production methods while adhering to NOP requirements.

AUTHORITY: section 261.110, RSMo Supp. 2002.* Original rule filed Jan. 3, 2003, effective Aug. 30, 2003.

*Original authority: 261.110, RSMo 2000, amended 2002.

2 CSR 70-16.015 The Adoption of NOP Standards

PURPOSE: This rule outlines the portions of NOP 7 CFR, Part 205 that will be adopted as Missouri Department of Agriculture (MDA) Organic Program standards.

PUBLISHER’S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency’s headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) The department adopts and incorporates by reference the following parts of the official rules and regulations of the National Organic Program (NOP), as outlined in *Federal Register* Vol. 65, No. 246 NOP 7 CFR Part 205; except for 2 CSR 70-16.010, or as the director designates otherwise in specific cases:

- (A) Subpart A—Definitions, all sections; except for those defined in 2 CSR 70-16.010;
- (B) Subpart B—Applicability, all sections;
- (C) Subpart C—Organic Production and Handling Requirements, all sections;
- (D) Subpart D—Labels, Labeling, and Market Information, all sections;
- (E) Subpart E—Certification, all sections;
- (F) Subpart F—General Requirements for Accreditation, all sections; and
- (G) Subpart G—Administrative.
 1. Sections 205.600 through 205.607.
 2. Sections 205.660 through 205.663.
 3. Sections 205.670 through 205.672.
 4. Sections 205.680 through 205.681.

AUTHORITY: section 261.110, RSMo Supp. 2002.* Original rule filed Jan. 3, 2003, effective Aug. 30, 2003.

*Original authority: 261.110, RSMo 2000, amended 2002.

2 CSR 70-16.020 MDA Organic Program Advisory Board

PURPOSE: This rule establishes a Missouri Department of Agriculture (MDA) Organic

Program Advisory Board and defines its duties.

(1) The department shall establish a Missouri Department of Agriculture (MDA) Organic Program Advisory Board for the purpose of advising the director with respect to his or her responsibilities under this chapter.

(A) The department shall maintain a copy of the purpose and duties of the MDA Organic Program Advisory Board, with a current listing of the members, which shall be available to the public upon request.

(B) The board members shall conduct annual review of the certification program activities, which may include a review of the certification decisions made by the program staff.

AUTHORITY: section 261.110, RSMo Supp. 2002.* Original rule filed Jan. 3, 2003, effective Aug. 30, 2003.

*Original authority: 261.110, RSMo 2000, amended 2002.

2 CSR 70-16.025 Procedures for Organic Certification

PURPOSE: This rule outlines the procedures for application for organic certification or recertification by the Missouri Department of Agriculture (MDA) Organic Program, with associated fees.

(1) The application for organic certification of producers and handlers, as defined by the National Organic Program (NOP), 7 CFR, Part 205, shall be submitted to the department on an approved application form available from the program, or in a manner prescribed by the director. Applications shall only be received from Missouri-based organic entities.

(2) Initial application for certification shall be accompanied by the certification fee and completed information in compliance with NOP 7 CFR 205.401. The initial application shall be received by the program not less than sixty (60) days before harvest of crop or before final handling of the organic product.

(3) Once granted, certification continues in effect until surrendered by the certified entity, or is suspended or revoked by the department. An annual renewal application for certification must be submitted to the program with fee and information as required by NOP 7 CFR 205.406; and an annual reinspection shall be conducted by the program at each facility to determine whether the certification of the operation should continue.

(4) An application and inspection fee of one hundred dollars (\$100) shall accompany each application for organic certification. Total certification fees shall be assessed at the rate of:

(A) First year Certification Fee: Total certification fee shall be the initial application and inspection fee of one hundred dollars (\$100);

(B) Second year, and every year thereafter, Renewal Certification Fee: Renewal certification fees shall be as follows:

1. Total renewal certification fee shall be the combined initial application and inspection fee of one hundred dollars (\$100) for those organic entities with previous year's gross sales from organic production and/or handling of not more than fifty thousand dollars (\$50,000);

2. Renewal certification fees for organic entities with previous year's gross sales from organic production and/or handling of more than fifty thousand dollars (\$50,000) shall be the initial application and inspection fee of one hundred dollars (\$100), plus additional certification fees of one hundred dollars (\$100) for every one hundred thousand dollars (\$100,000) in gross sales from organic production and/or handling, not to exceed five hundred dollars (\$500);

3. If the organic entity does not want to reveal organic gross sales, the maximum five hundred dollar (\$500) certification fee will apply;

(C) The initial application and inspection fee and the certification fees are not prorated throughout the year, nor are they refunded if the application is withdrawn by the applicant or is denied by the director for any cause;

(D) All certification fees shall be due and payable before organic inspections will be conducted.

(5) Applications to continue certification are due one (1) year from date of the previous application. Any application postmarked fifteen (15) days after due date shall pay an additional late fee of one hundred dollars (\$100) to continue certification by the program.

(6) Certified organic entities may petition to withdraw certification with the program at any time. In order to withdraw certification, the applicant must submit the request in writing, with company name, address, and signature. A voluntary withdrawal of the certification application by the organic entity shall not result in a "Notice of Certification Denial."

(7) Any certified entity that withdraws the certification from the program or allows their

certification to elapse may reapply for recertification, but will be considered to be a renewal application and shall pay the renewal certification fee.

(8) "Exempt" or "excluded" organic producers or handlers, as defined by the NOP 7 CFR 205.101, may apply to be certified "organic" by the program.

AUTHORITY: section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003, effective Aug. 30, 2003.*

**Original authority: 261.110, RSMo 2000, amended 2002.*

2 CSR 70-16.030 Records to be Maintained for Certification

PURPOSE: This rule describes the records that organic entities shall maintain for organic certification or recertification by the Missouri Department of Agriculture (MDA) Organic Program.

(1) Certified organic entities shall maintain records applicable to the organic operation for not less than five (5) years and shall make such records available to the program as required by National Organic Program (NOP) 7 CFR 205.103.

(A) All certified organic producers shall keep records for each commodity produced; including, but not limited to:

1. Physical address of each production site where crops grown;

2. Crop and site history for previous three (3) years of production;

3. Names of crops, with varieties, produced;

4. Input materials applied to plants, soil, water, and products. These records shall include date applied, application rate, and name of material, including brand name where possible;

5. Handling and processing description, date, and location. Location shall include the name and address of the handler or processor;

6. Records of volume of all sales including: on-farm, wholesale, and retail; name and address of purchaser where possible; and transaction certificate when used;

7. Audit tracking system for each product identified, with lots numbers or other identifiers that facilitates tracking of product from seed or seedling to sale or release of physical control. Storage identification and bin location, and identifiable number if applicable, must be included.

(B) Certified organic livestock producers shall keep records; including, but not limited to:

1. Receipts for stock and materials;
2. Birth or purchase of livestock through sale or slaughter;

3. All disease and pest management materials administered including dates administered, material identification, dosages, and sources;

4. All purchased feeds including dates purchased, feed identification, quantities purchased, sources, and a copy of the organic certification;

5. Weight of slaughter animals at slaughter and weight of post-slaughter animal products;

6. Sales records of all organic animal products sold including dates, quantities, and weights. Sales records shall include the purchaser's name and address where possible and transaction certificate number when used;

7. If livestock graze any fields or consume any production crops, certification records of those fields or crops.

(C) Certified organic handlers shall maintain records that track ingredients and certified organic products from receiving through distribution, shipping, or sale; including, but not limited to:

1. An organic handler system plan;
2. Maps of production facility structures and handling areas;

3. Production flow charts, with organic control points highlighted;

4. Assigned production lot numbers;

5. Formulation for each product;

6. Product audit tracking records, which may include; but are not limited to:

A. Invoices;
B. Bills of lading, and producer certificates for incoming products;

C. Date and quantity of product processed or handled;

D. Repack data and production run reports;

E. Invoices and bills of lading of products shipped out.

(2) Handlers shall have available copies of organic certificates for all organic ingredients and products. Organic certificates shall be current, correspond to the organic ingredients used in processing, and be from accredited certifying agents.

AUTHORITY: section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003, effective Aug. 30, 2003.*

**Original authority: 261.110, RSMo 2000, amended 2002.*

2 CSR 70-16.035 Inspections and Sampling for Certification

PURPOSE: This rule outlines procedures that the Missouri Department of Agriculture (MDA) Organic Program will utilize for inspections and sampling of certification applicants and certified organic entities.

(1) An initial on-site inspection shall be conducted for each production unit, facility, and site that produces or handles organic products, as required by National Organic Program (NOP) 7 CFR 205.403. The inspector shall conduct an exit interview with the organic entity's authorized representative at the end of the inspection to verify the accuracy of the inspection. A copy of the exit interview summary shall be given to the applicant at the time of inspection, and a copy of the inspection report shall be provided to the applicant within a reasonable time following the inspection.

(2) The program shall conduct additional inspections to determine compliance to the NOP and department rules of an applicant or organic entity certified by the program when requested by the United States Department of Agriculture (USDA)-NOP administrator or by the department.

(A) Additional inspections may be conducted without notification at the discretion of the program.

(3) The department, or any inspection designee of the program, may collect samples of soil, products, or agricultural inputs from randomly or systematically selected organic entities certified by the program as part of the routine annual organic inspection. The department shall collect samples of soil, products, or agricultural inputs when there is reason to believe that land, an input, or product came into contact with a prohibited substance or that excluded methods were used.

(4) Applicants shall be provided with a receipt for any samples collected by the department, or by the designated inspector. The collected samples shall be analyzed by any qualified laboratory at the expense of the department.

(5) Results of the individual inspections, sampling, and test analyses shall be provided to the NOP administrator and the certified organic entity or applicant.

AUTHORITY: section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003, effective Aug. 30, 2003.*

**Original authority: 261.110, RSMo 2000, amended 2002.*

2 CSR 70-16.040 Complaints and Investigations

PURPOSE: This rule outlines the criteria that the program will use to determine when to investigate complaints.

(1) Any person with knowledge of a violation of the National Organic Program (NOP) 7 CFR, Part 205, may file a complaint with the department.

(2) The department shall investigate complaints involving organic entities certified by the program. Complaints involving organic entities not certified by the program will be referred to the NOP administrator.

(3) The department, in cooperation with all pertinent state and federal agencies, may investigate certified or non-certified organic entities, whether certified by the program or not, upon determining that a need exists to protect public health and safety or preserve evidence that would justify an immediate investigation.

(A) This rule in no way negates the responsibilities of the certified and non-certified organic entities to meet the statutory mandates of Chapter 196, RSMo.

AUTHORITY: section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003, effective Aug. 30, 2003.*

**Original authority: 261.110, RSMo 2000, amended 2002.*

2 CSR 70-16.045 Compliance Enforcement

PURPOSE: This rule outlines the criteria that the program shall use to determine when to implement compliance enforcement actions, and the procedures to be followed for the compliance actions.

(1) When it has been determined that an organic entity certified by the program is knowingly selling, representing, or labeling as organic any products that have been exposed to or contain prohibited substances, or that have been produced using prohibited substances or excluded methods, the program shall send the certified organic entity a written notification of suspension of rights to sell such product as organic.

(A) Such product is prohibited from further sale or movement, in accordance with National Organic Program (NOP) 7 CFR 205.6462(d). The department shall remove the suspension of rights to sell when the

organic entity becomes compliant to requirements of the NOP 7 CFR, Part 205.

(2) The department may initiate a compliance action against an applicant for certification or an organic entity certified by the program that is not in compliance with NOP 7 CFR, Part 205.

(A) The department and applicants for certification shall follow procedures established in 7 CFR 205.405 in addressing noncompliance issues.

(B) The department and certified organic entities shall follow procedure established in 7 CFR 205.662 in addressing noncompliance issues.

(C) The department's procedure for denial of certification shall adhere to that established in 7 CFR 205.405.

(D) Any notice of denial of certification or proposed suspension or revocation of certification shall state the organic entity's right to an informal hearing as provided by 7 CFR 205.663, Mediation.

AUTHORITY: section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003, effective Aug. 30, 2003.*

**Original authority: 261.110, RSMo 2000, amended 2002.*

2 CSR 70-16.050 Certificates Issued as Result of Certification with the MDA Organic Program

PURPOSE: This rule outlines procedures for issuing certificates to organic entities that are certified by the program.

(1) The program shall issue a "Certificate of Organic Operation" to all organic entities that are certified by the program, with such information as required by 7 CFR 205.404.

(A) Such certificate shall continue in effect until surrendered by the certified organic entity, or is revoked by the program or by the administrator for cause, as required by 7 CFR 205.405.

(2) Transaction Certificates issued by the program may be used in sales transactions of certified organic products to identify that the products were produced or handled in accordance with National Organic Program (NOP) and program rules.

(A) The program shall issue the Transition Certificates upon written application from the organic entity, on forms approved by the program, which shall contain all information requested on the application.

(B) Transaction Certificates may be issued with the producer's identification number and

an expiration date beyond which use is not valid. User shall enter shipment information that includes the shipment date, product name, and volume of product, and may include the lot number if applicable.

(C) Transaction Certificates provided by the program shall only be used by organic entities certified by the program and only for products covered by program certification.

AUTHORITY: section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003, effective Aug. 30, 2003.*

**Original authority: 261.110, RSMo 2000, amended 2002.*

2 CSR 70-16.055 MDA Organic Program Seal

PURPOSE: This rule establishes a Missouri Department of Agriculture (MDA) Organic Program Seal, and the criteria for use of the seal.

(1) The program shall establish a “Missouri Department of Agriculture (MDA) Organic Program Seal,” identifying the program as the certifying agent. The seal shall be available for use by organic entities that are certified by the program, provided that such seal is used in compliance with National Organic Program (NOP) 7 CFR 205.303.

(2) The seal must replicate the form and design as adopted by the program.

(3) The seal may be duplicated in the original program seal colors or may be converted to black and white type-cast.

AUTHORITY: section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003, effective Aug. 30, 2003.*

**Original authority: 261.110, RSMo 2000, amended 2002.*

2 CSR 70-16.060 Registration with the MDA Organic Program

PURPOSE: This rule outlines procedures for organic entities to be registered with the program, with associated fees.

(1) Producers and handlers that are converting to certified organic production or handling methods, but do not yet qualify for certification, may apply to be registered with the program as, “Transitional-to-Organic.”

(A) The application for registration as “Transitional-to-Organic,” shall be submitted to the program on an approved form, in the manner prescribed by the director, and shall

be accompanied by a fifty dollar (\$50) application fee. The application fee is not prorated, nor is it refunded for any reason.

(B) The registrant shall submit a completed Organic System Plan to the program and shall use organic methods that adhere to National Organic Program (NOP) 7 CFR, Part 205.

(C) The program shall conduct an initial review of the applicant’s plan, and an inspection may be scheduled to reveal any possible deficiencies or noncompliance to NOP standards.

1. The applicant shall be notified in writing of the deficiencies or noncompliance found as a result of the review or inspection.

(D) After successful review of the Organic System Plan or initial inspection, the applicant shall be issued a “Transitional-to-Organic” certificate. The certificate shall continue in effect for one (1) year from date of issuance unless cancelled by the registrant, or the registrant is no longer deemed qualified by the director.

(E) An application, with an updated system plan and application fee, shall be made to the program annually from first date of issuance. The program shall review the application and may conduct annual reinspections to ensure continued compliance with NOP 7 CFR, Part 205. The “Transitional-to-Organic” certificate shall only be issued to an applicant for three (3) consecutive years for the same organic production or handling site.

(F) The “Transitional-to-Organic” certificate does not imply in any manner that the operation is certified “organic,” and products being produced from this registration program shall not in any way be sold, labeled, or represented as certified “100% Organic,” “Organic,” or “Made with Organic.”

(G) The “Transitional-to-Organic” certificate shall only be used for marketing purposes within the state of Missouri and shall only be used for raw and processed organically produced agricultural products when authorized by the department under this rule.

(2) The program shall provide a registration service designed to promote education of organic production methods and to provide organic marketing tools for Missouri’s organic farmers and handlers.

(A) All certified organic entities that are certified by the program shall be registered with the program.

(B) Certified entities within the state that are not certified by the program, but desire to be registered by the program, shall pay the registration fee of twenty-five dollars (\$25), but shall not be required to adhere to other requirements of this rule.

(C) Producers and handlers using organic production and handling methods that adhere to requirements of NOP 7 CFR, Part 205, Subpart C—Organic Production and Handling Requirements, and are direct marketing to their consumers, may apply to be registered with the program.

(D) The registration shall apply to the knowledge and/or use of organic procedures and methods, as opposed to a product being registered as “organic.”

(E) The application for registration shall be submitted to the program on an approved application form, as supplied by the director. A registration fee of twenty-five dollars (\$25) shall accompany each application for registration. Registration fee is not prorated throughout the year, nor is it refunded.

1. Producers shall provide a site map, detailing size and shape of the site.

2. Handlers shall provide a process flow chart.

3. Landscape architects shall provide a plan outlining landscaping procedures that result in soil improvements and maintenance of natural resources.

(F) Registration shall be in effect from January 1 of the year registered and shall continue to be in effect through December 31 of the year it was issued unless cancelled by the registrant or by the director pursuant to sections (5) and (6) of this rule.

(G) No initial registration application shall be approved until the applicant has demonstrated knowledge of organic methods and procedures. Knowledge may be demonstrated by participating in educational training sessions sponsored by the program, or other program-approved methods; and by passing an examination provided by the director. Renewal applicants shall not be required to participate in further educational sessions to continue registration with the program.

(H) Registrants agree to assist with educational sessions promoting organic production, handling, and marketing methods. The registrant may alternatively choose to serve on program-designated peer groups to educate registrants about organic procedures and methods when the department receives inquiries.

(I) The department shall issue a registration certificate to qualified applicants. A database listing of all registrants shall be maintained by the department and shall be made available to the public as a marketing tool for the registrants.

(J) If the director refuses registration for any reason, the applicant shall be notified by writing of the reasons thereof. An informal hearing will be granted upon notification of denial when requested by the applicant.

AUTHORITY: section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003, effective Aug. 30, 2003.*

**Original authority: 261.110, RSMo 2000, amended 2002.*

2 CSR 70-16.065 Inspection and Sampling for Registration

PURPOSE: This rule outlines inspection and sampling procedures of applicants and registrants with the program.

(1) The program, or designated inspector, may conduct on-site inspections of each registered producer or handler.

(2) All on-site inspections shall be conducted at such time that the applicant, or an authorized representative of the applicant, can be present; and when land, facilities, or activities demonstrate the applicant's compliance with, or capability to comply with, registration requirements. This does not apply to inspections for the purposes of complaint investigations.

(3) A written Notice of Inspection shall be completed at the time of inspection, detailing any results of the inspection, or any observations made by the inspector, that would result in approval or denial of the application. A copy of the Notice of Inspection shall be given to the applicant, or authorized representative of the applicant, at the time of inspection.

(4) The program, or designated inspector, may conduct reinspections as deemed necessary to investigate complaints. The program may deny, suspend, or revoke the registration of an organic entity when such organic entity is found to not be in compliance with this rule.

(5) Any denial of entry for inspection purposes will be considered grounds for denial of registration.

AUTHORITY: section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003, effective Aug. 30, 2003.*

**Original authority: 261.110, RSMo 2000, amended 2002.*

2 CSR 70-16.070 Marketing When Registered with the MDA Organic Program

PURPOSE: This rule describes the use of the "Registered by the MDA Organic Program" logo.

(1) The program shall issue a numbered logo stating, "Registered by the MDA Organic Program." The logo shall be annually dated to ensure that the registrant has currently completed registration requirements and shall be made available to the registrant on an annual basis.

(2) The registrant may display the logo, or copies of the logo, on marketing information used at the location where conducting business; but the logo shall not be attached directly to a product label.

(3) The "Registered by the MDA Organic Program" logo shall only be used for marketing purposes within the state of Missouri and shall only be used for raw and processed organically produced agricultural products when authorized by the program.

AUTHORITY: section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003, effective Aug. 30, 2003.*

**Original authority: 261.110, RSMo 2000, amended 2002.*

2 CSR 70-16.075 Organic Certifying Agent Registration

PURPOSE: This rule outlines the procedures for certifying agents that certify organic entities in the state of Missouri to register with the program.

(1) Any certifying agent that certifies organic entities within the state shall be required to submit an application for registration with the program. A listing of registered certifying agents shall be maintained by the program and shall be made available to the public upon request.

(2) Registration shall be in effect from January 1 of the year registered and shall continue to be in effect through December 31 of the year it was issued, unless cancelled by the registrant or by the director pursuant to sections (6) and (7) of this rule.

(3) An annual registration fee of twenty-five dollars (\$25) shall accompany each application. Registration fee is not prorated throughout the year nor refunded if denied for any reason.

(4) Registration renewal applications shall be submitted within fifteen (15) working days from last valid date of registration. Any applicant who fails to comply with registration renewal requirements shall pay a fifty dollar (\$50) late fee in addition to the annual

registration fee to become eligible for registration renewal.

(5) The application for registration shall be submitted to the program on an approved application form in the manner prescribed by the director. The application shall include information about:

(A) Business name and address of certifying agent;

(B) Name and address of certifying agent's authorized representative;

(C) Listing of organic entities' names and addresses located within the state of Missouri certified by the certifying agent;

(D) The category of organic entity, whether of production or handling.

1. If production, total organic acreage or square footage of land located in the state, and gross sales generated by organic entity.

2. If handling, total gross sales generated by facilities located in the state.

3. Years organic entity has been certified by certifying agent.

(6) Any certifying agent found to be certifying organic entities located within the state may be assessed a fee up to five hundred dollars (\$500) per violation for failure to register with the program. An order assessing the fee shall state the manner of collection, with a notice to a right to an informal hearing.

(7) If the state refuses registration to a certifying agent for any reason, the applicant shall be notified by writing of the reasons thereof. An informal hearing shall be granted upon notification of denial when requested by the applicant.

(A) The applicant has the right to appear before the director within thirty (30) days from time of postmark on the written "Denial of Registration" or "Suspension or Revocation of Registration" letter to introduce evidence; either in person or by an agent or attorney at an informal hearing.

(B) If, after such hearing, or if the defendant or the defendant's agent or attorney fails or refuses to appear, the director determines that the evidence warrants refusal of registration, the director shall proceed as herein provided.

(C) If any applicant is adversely affected by an act, order, or ruling made pursuant to the provisions of this rule, an appeal may be filed according to procedures established by sections 536.050 through 536.160, RSMo Supp. 2002.

AUTHORITY: section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003, effective Aug. 30, 2003.*

**Original authority: 261.110, RSMo 2000, amended 2002.*