

CHAPTER 246

[House Bill No. 139]

MUNICIPAL AIRPORTS—FIRE CODE ENFORCEMENT JURISDICTION

AN ACT Relating to municipal airports; and amending RCW 14.08.330.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 15, chapter 182, Laws of 1945 and RCW 14.08.330 are each amended to read as follows:

Every airport and other air navigation facility controlled and operated by any municipality, or jointly controlled and operated pursuant to the provisions of this chapter, shall, subject to federal and state laws, rules, and regulations, be under the exclusive jurisdiction and control of the municipality or municipalities controlling and operating it ~~((and))~~. The municipality or municipalities shall have concurrent jurisdiction over the adjacent territory described in RCW 14.08.120(2). No other municipality in which ~~((such))~~ the airport or air navigation facility is located shall have any police jurisdiction of the same or any authority to charge or exact any license fees or occupation taxes for the operations ~~((thereon. Such municipality or municipalities shall have concurrent jurisdiction over the adjacent territory described in RCW 14.08.120(2)))~~. However, by agreement with the municipality operating and controlling the airport or air navigation facility, a municipality in which an airport or air navigation facility is located may be responsible for the administration and enforcement of the uniform fire code, as adopted by that municipality under RCW 19.27.040, on that portion of any airport or air navigation facility located within its jurisdictional boundaries.

Passed the House April 22, 1985.

Passed the Senate April 12, 1985.

Approved by the Governor May 10, 1985.

Filed in Office of Secretary of State May 10, 1985.

CHAPTER 247

[Substitute House Bill No. 297]

ORGANIC FOOD PRODUCTS

AN ACT Relating to organic food products; adding a new section to chapter 19.86 RCW; adding a new chapter to Title 15 RCW; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature recognizes a public benefit in establishing standards for food products marketed and labeled using the term "organic" or a derivative of the term "organic." Such standards shall

also facilitate the development of out-of-state markets for Washington food grown by organic methods.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Director" means the director of the department of agriculture or the director's designee.

(2) "Organic food" means any food product, including meat, dairy, and beverage, that is marketed using the term organic or any derivative of organic in its labeling or advertising.

(3) "Producer" means any person or organization who or which (a) grows, raises, or produces a food product; and (b) sells the food product as, or offers it for sale as, an organic food.

(4) "Vendor" means anyone who sells organic food to the consumer or another vendor.

NEW SECTION. Sec. 3. A producer or a vendor shall not sell or offer for sale any food product with the representation that the product is an organic food if the producer or vendor knows, or has reason to know, that the food has been grown, raised, or produced with the use of any of the following substances: (1) Fertilizers but excluding manures and other natural fertilizers; (2) any of the following when manufactured by man: Pesticides, hormones, antibiotics, or growth stimulants but excluding *Bacillus thuringiensis* and other natural pesticides; (3) arsenicals; or (4) similar substances listed by the director under section 6 of this act. A food product shall be considered as "grown, raised, or produced" with a substance specified in this section or listed by the director under section 6 of this act if the substance is applied at any time before sale to retail purchasers. Also, crops shall be considered "grown, raised, or produced" with such a substance if, within one year before seed planting or transplanting or, in the case of perennial crops, within one year before the appearance of the flower bud, the substance is applied to the soil or other growing medium.

NEW SECTION. Sec. 4. Display placards for the on premise sale of organic food and labels pertaining to organic food shall include the name and address of the producer of the food. Any advertising for the mail order sale of organic food shall include the name and address of the producer of the food. Each producer or vendor responsible for making the labels, placards, or advertising shall maintain such records pertaining thereto as the department may reasonably require. The producer or vendor shall furnish to the department any records requested by it.

NEW SECTION. Sec. 5. A producer shall not sell to a vendor any food product which the producer represents as an organic food unless before the sale the producer provides the vendor with a sworn statement that the producer has grown, raised, or produced the product in conformance with section 3 of this act.

NEW SECTION. Sec. 6. (1) The director shall adopt such rules and regulations, in conformity with chapter 34.04 RCW, as the director believes are appropriate for the proper administration of this chapter.

(2) Whenever the director believes it appropriate to protect the interest of consumers of organic foods, the director shall add to the list of substances that may not be included in organic foods under this chapter.

(3) The director shall issue orders to producers or vendors whom it finds are violating any provision of this chapter, or rules or regulations adopted under this chapter, to cease their violations and desist from future violations. Whenever the director finds that a producer or vendor has committed a violation, the director shall impose on and collect from the violator a civil fine not exceeding the total of the following amounts: (a) The state's estimated costs of investigating and taking appropriate administrative and enforcement actions in respect to the violation; and (b) one thousand dollars.

NEW SECTION. Sec. 7. A new section is added to chapter 19.86 RCW to read as follows:

Any violation of section 3 of this act shall also constitute a violation under RCW 19.86.020.

NEW SECTION. Sec. 8. Sections 1 through 6 of this act shall constitute a new chapter in Title 15 RCW.

Passed the House April 22, 1985.

Passed the Senate April 17, 1985.

Approved by the Governor May 10, 1985.

Filed in Office of Secretary of State May 10, 1985.

CHAPTER 248

[Substitute House Bill No. 466]
FISH DEALERS AND BUYERS

AN ACT Relating to fish dealers and buyers; amending RCW 75.28.300; adding a new section to chapter 75.10 RCW; adding new sections to chapter 75.28 RCW; repealing RCW 75.28.350; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 75.28.300, chapter 12, Laws of 1955 as last amended by section 132, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.300 are each amended to read as follows:

A wholesale fish dealer's license is required for:

(1) A business in the state to engage in the commercial processing of food fish or shellfish, including custom canning or processing of personal use food fish or shellfish.

(2) A business in the state to engage in the wholesale selling, buying, or brokering of food fish or shellfish. A wholesale fish dealer's license is not