

MANUFACTURING, MARKETING, AND CERTIFICATION

DAIRY PRODUCTION

WHO MUST COMPLY?

ORS Chapter 621 and OAR 603-24-605 to 603-24-651 require fluid milk production in Oregon to be grade A with one exception. The Oregon Department of Agriculture licenses and inspects all dairy farms and plants that do not qualify for the small-scale, on-farm exception (ORS 621.012) in order to ensure food safety and consumer protection.

PERMITS AND LICENSES

Prior to becoming licensed, all prospective licensees—dairy farms (those farms that are not subject to the small-scale, on-farm exception) and dairy plants—must submit a construction plan for the facility to: Oregon Department of Agriculture, Food Safety Division, 635 Capitol St NE, Salem OR 97301-2532. Every dairy facility must be approved before an ODA license can be issued. Additionally, a pre-operation inspection is required before production can begin.

INSPECTIONS

ODA inspectors, who are licensed Environmental Health Specialists, inspect dairy production and distribution facilities a minimum of two times per year. The inspections are typically unannounced, and consist of a visual inspection of facilities and may include sampling of the milk or water. Repeat violations discovered during an inspection may result in suspension of grade privileges. Adulterated products will be embargoed.

FEES

License fees relating to fluid milk are based on annual gross dollar volume of sales or services as follows:

Gross sales volume	Annual fee (2011-2012)
\$0-\$50,000	\$135
\$50,001-\$500,000	\$189
\$500,001-\$1,000,000	\$325
\$1,000,001-\$5,000,000	\$487
\$5,000,001-\$10,000,000	\$649
\$10,000,000+	\$812

TECHNICAL ASSISTANCE

For technical assistance relating to the dairy program, please contact:

OREGON DEPARTMENT OF AGRICULTURE

Food Safety Division

635 Capitol St NE

Salem, OR 97301-2532

Phone _____ 503-986-4720

Web _____ oregon.gov/ODA/FSD

OREGON STATE UNIVERSITY

Animal Science Department

Phone _____ 541-737-4926 or 541-737-3316

Food Science and Technology Department

Phone _____ 541-737-3463 or 541-737-6520

DIRECT MARKETING, ROADSIDE STANDS, AND FARMERS' MARKETS

Farmers' markets and roadside stands are a popular venue to shop for fresh and local foods from Oregon. As market numbers increase and the number of participants grow, market participants need to stay informed of guidelines and requirements regarding food safety and measurement standards at the market.

WHO MUST COMPLY?

The general rule is that vendors who do not hold a current, valid ODA license for a location other than the farmers' market must obtain a license from ODA to sell at a farmers' market. There are several exceptions to the general rule.

- An entity that administers and manages a group of vendors, "farmers' market management," is not currently required by ODA to be licensed as a "food establishment" under ORS 616.706.
- Farmers who bring their own fresh fruits and vegetables to a farmers' market are not required to be licensed. OAR 6003-025-0030.
- Vendors who hold a current, valid ODA license for a "bricks and mortar" food establishment are not required to obtain an additional license to sell at farmers' markets as long as all food processing and preparation (including sample preparation) is done at the licensed location, not at the market.

HB 2336 (FARM DIRECT BILL)

HB 2336 passed by the 2011 Legislature, exempts from licensing, agricultural producers (farmers) selling what they grow and process directly to retail customers; however, not all foods are eligible for an exemption. For example, the sale of meat, poultry, fish, and dairy in any form are not eligible for an exemption. Furthermore, there is a cap on unlicensed sales of \$20,000. For a complete list of the foods eligible for an exemption under the Farm Direct Bill, please refer to HB 2336, Enrolled. <http://www.leg.state.or.us/11reg/measpdf/hb2300.dir/hb2336.en.pdf>

Farm direct sales may include sales at farmers' markets, community supported agriculture drop sites, buying clubs, church bazaars and other venues. However, HB 2336 does not allow for commingling of agricultural products from more than one producer. Furthermore, HB 2336 does not change licensing requirements for selling through stores, restaurants and institutions.

SCALES

Vendors who operate scales used for commercial purposes (buying, selling or processing commodities by weight, and using those weights to determine charges or payments), in Oregon, must obtain an annual scale license for each device from the ODA's Measurement Standards Division, as provided in ORS 618.121.

PERMITS AND LICENSES

Any vendor needing a license to sell at a farmers' market must obtain his/her license prior to participating in a farmers' market. To obtain a license, a prospective licensee must apply for a license, meet and consult with a food safety inspector, and pay a license fee. Contact the ODA's Food Safety Division by calling: 503-986-4720 to begin the licensee application process.

Any vendor operating a scale for commercial purposes needs to license that scale prior to use. Contact ODA's Measurement Standards Division by calling 503-986-4670 to begin the licensing application process.

INSPECTIONS

Because most vendors at a farmers' market location are either exempt from licensing or have a license for a "bricks and mortar" establishment, farmers' markets are not generally inspected. However, to insure the safety and wholesomeness of the food being offered for sale at the markets, ODA inspectors, who are licensed environmental health specialists, periodically conduct audits at farmers' market locations, checking principally for cleanliness, cross contamination, and temperature abuse.

The Measurement Standards Division examines all licensed weighing and measuring devices in the state, usually within a 12-14 month time period. The examination includes making sure the device is NTEP approved, accurate and being used in the proper manner and application.

TECHNICAL ASSISTANCE

For current information related to farmer's markets, contact:

OREGON DEPARTMENT OF AGRICULTURE

Food Safety Division

635 Capitol St. NE
Salem, OR 97301-2532

Phone _____ 503-986-4720

Fax _____ 503-986-4729

Web _____ <http://oregon.gov/ODA/FSD>

For guidelines related to weighing and measuring, contact:

OREGON DEPARTMENT OF AGRICULTURE

Measurement Standards Division

635 Capitol St. NE

Salem, OR 97301-2532

Phone _____ 503-986-4670

Fax _____ 503-986-4784

Web _____ <http://oregon.gov/ODA/MSD>

For marketing or promotional assistance, contact:

OREGON DEPARTMENT OF AGRICULTURE

Agricultural Development and Marketing Division

1207 NW Naito Parkway, Suite 104

Portland, OR 97209-2832

Phone _____ 503-872-6600

Fax _____ 503-872-6601

Web _____ <http://oregon.gov/ODA/ADMD>

For questions about license requirements for temporary restaurants and food for immediate consumption at the market, contact:

LOCAL COUNTY HEALTH DEPARTMENT

Web _____ <http://oregon.gov/DHS/ph/lhd/lhd.shtml>

FIELD INSPECTIONS FOR EXPORT SEED CERTIFICATION

WHO MUST COMPLY?

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 Oregon Department of Agriculture, Commodity Inspection Division, are qualified to carry out these inspections.

APPLICATION

Growers or companies producing seed for export who require Phytosanitary Certificates for their crops, should contact the Oregon Department of Agriculture, Commodity Inspection Division, 503-986-4620, to request an application for field inspection of seed for export or visit http://oregon.gov/ODA/CID/PLANT_HEALTH/applications.shtml. The application should be submitted as soon as possible after planting (in the case of bean seed in Malheur County, no later than May 20.)

FEES

Inspection charges are currently \$6.50 per acre with a \$50 per field minimum. Contact the Commodity Inspection Division to verify the fee schedule.

REPORTS

Inspection reports are currently issued at the request of the grower or company. Reports can generally be issued within 48 hours of request.

TECHNICAL ASSISTANCE

OREGON DEPARTMENT OF AGRICULTURE

Commodity Inspection Division

Seed Field Inspection Program

Dr. Shawn Meng 503-986-4661

Web _____ oregon.gov/ODA/CID/PLANT_HEALTH/applications.shtml

US DEPARTMENT OF AGRICULTURE

Federal Phytosanitary Certificates

Portland, OR

Phone _____ 503-326-2814

FOOD PROCESSING

DEFINITION

In Oregon, food processing includes: cooking, baking, heating, drying, mixing, grinding, churning, separating, extracting, cutting, freezing, or otherwise manufacturing a food or changing the physical characteristics of a food. Food processing also means the packaging, canning, or otherwise enclosing of such food in a container, but does not mean the sorting, cleaning, or water-rinsing of a food.

WHO MUST COMPLY?

If you are making a food product and offering it to others for consumption, then you must be licensed by the ODA, unless those consuming your product are limited to family members. Licenses are issued for bakeries, food processors, domestic kitchens, and any other place that makes food not intended for immediate consumption.

PERMITS AND LICENSES

Prior to becoming licensed, all prospective licensees (bakeries, food processors, domestic kitchens, and the like) must submit a facility plan for review to: Oregon Department of Agriculture, Food Safety Division, 635 Capitol St. NE, Salem OR 97301-2532. Additionally, a food safety inspector must inspect and approve every food

processing facility before an ODA license can be issued and production can begin.

INSPECTIONS

ODA inspectors working in the Food Safety Division are registered environmental health specialists. Food safety inspectors inspect food establishments as required, based on risk. Generally, inspections are conducted between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday. The inspections are typically unannounced, and consist of a visual inspection of facilities as well as an investigation into processing and employee practices. Violations discovered during an inspection may result in a range of regulatory actions, depending on the severity of the violation. Possible regulatory actions may include, but are not limited to: a warning letter, embargo, cease and desist order, and license suspension.

TECHNICAL ASSISTANCE

OREGON DEPARTMENT OF AGRICULTURE

Food Safety Division

635 Capitol St. NE

Salem, OR 97301-2532

Phone _____ 503-986-4720

Fax _____ 503-986-4729

Web _____ <http://oregon.gov/ODA/FSD>

GOOD AGRICULTURAL PRACTICES AND GOOD HANDLING PRACTICES (GAP/GHP)

USDA FEDERAL-STATE AUDIT PROGRAM

Oregon Department of Agriculture offers GAP/GHP audits under the USDA, Federal-State Audit Program. These audits, based on the Food and Drug Administration “Guidelines to Minimize Microbial Food Safety Hazards for Fresh Fruits and Vegetables,” are part of a nationally recognized cooperative partnership between USDA, the state of Oregon and other federal-state inspection services. These auditing services are performed on a voluntary basis. This service gives the consumers of Oregon’s produce confidence that they have not only purchased the best quality produce and tree nuts available, but they were cared for and handled in a manner to reduce the potential of contamination.

Producers and handlers that have completed the GAP/GHP program and pass an onsite audit are listed on the USDA Fresh Products Branch website for their customers and future customers to review. Producers or handlers wanting more information about the program should contact the Oregon Department of Agriculture.

TECHNICAL ASSISTANCE

OREGON DEPARTMENT OF AGRICULTURE

Commodity Inspection Division

635 Capitol St. NE

Salem, OR 97301-2532

Phone _____ 503-986-4620

Web _____ oregon.gov/ODA/CID/ghp_gap.shtml

GRAIN INSPECTION

WHO MUST COMPLY?

The US Grain Standards Act was passed by Congress on August 11, 1916 for the purpose of establishing a third-party, uniform inspection system for use in marketing grain. Although no actions are required of the farmer pertinent to the official inspection or weighing of farmers' grain under the Federal Grain Inspection Service (FGIS) standards, it is against the law to deliberately adulterate grain, e.g., add fumigant or insecticide for the purpose of masking musty or sour or commercially objectionable foreign odor.

Further, it is against the law to deceptively load a truck or trailer with inferior quality grain on the bottom so as to prevent the inferior grain from being included in the probe sample obtained by official inspection personnel. There are other prohibited grain handling practices too numerous to include, but which can be explained by FGIS or Oregon Department of Agriculture officials. Other Environmental Protection Agency (EPA), Food and Drug Administration (FDA), or Occupational Safety and Health Administration (OSHA) laws must be adhered to when pertinent. Offenses are subject to general penal statutes and could result in fines and/or imprisonment.

Some states are officially delegated to perform export inspection and weighing services, but at this time Oregon is not operating in this capacity. FGIS operates in export locations where state delegated agencies are absent. The US Grain Standards Act establishes and maintains official US standards for barley, wheat, corn, canola, flaxseed, oats, rye, sorghum, soybeans, sunflower seed, triticale, and mixed grain.

TECHNICAL ASSISTANCE

For information regarding the Grain Standards Act, regulations, and grading standards, contact FGIS, Portland Field Office, 503-326-7887. Groups of farmers, county elevator operators, and other interested parties may request grain grading seminars to be conducted by FGIS field office personnel at the Albers Mill location.

US DEPARTMENT OF AGRICULTURE, GIPSA

FGIS Portland Field Office

1100 NW Naito Pkwy.

Portland, OR 97209-2818

Phone _____ 503-326-7887

Fax _____ 503-326-7896

ORGANIC FOOD PRODUCTION

BACKGROUND

The US Department of Agriculture (USDA) National Organic Program (NOP) requires that all products labeled "organic" must be certified by a USDA accredited certifying agent. Producers whose organic gross sales are \$5,000 or less, are exempted from organic certification, but must still follow USDA NOP standards. The Oregon Department of Agriculture has been an accredited organic certifying agent since 2009.

ORGANIC COST SHARE REIMBURSEMENT PROGRAM

The Organic Cost Share Reimbursement Program was approved by Congress and funds were made available through the USDA to applicant states. The program provides reimbursement to growers, processors, and handlers who obtain organic certification from USDA

accredited certifiers. The Oregon Department of Agriculture administers these funds for qualified Oregon residents.

Growers, producers and handlers are eligible to receive reimbursement for 75 percent of certification fees, up to a maximum of \$750 per qualifying year.

TECHNICAL ASSISTANCE

Certification, standards, and general information

OREGON DEPARTMENT OF AGRICULTURE

Commodity Inspection Division

Phone _____ 503-986-4620

Web _____ oregon.gov/ODA/CID/organic.shtml

Find out how to have your operation certified organic to the National Organic Program (NOP) standards.

Cost share applications and information

OREGON DEPARTMENT OF AGRICULTURE

Agricultural Development & Marketing Division

1207 NW Naito Parkway, Suite 104

Portland, OR 97209-2832

Phone _____ 503-872-6600

Fax _____ 503-872-6601

E-mail _____ agmarket@oda.state.or.us

Web ___ oregon.gov/ODA/ADMD/organic_costshare.shtml

National Organic Program

US DEPARTMENT OF AGRICULTURE

1400 Independence Ave. SW, Rm. 4008-S, Ag Stop 0268

Washington DC 20250

Phone _____ 202-720-3252

Fax _____ 202-205-7808

Web _____ ams.usda.gov/nop

WEED-FREE FORAGE PROGRAM

There is increasing demand in Oregon, and throughout the West, for certified weed-free hay, straw, and mulch. This voluntary, fee based program provides industry the ability to certify products free from weeds listed on Oregon and North American Weed Management Association lists of noxious weeds. The certification standards are designed to limit or reduce the spread of noxious weeds.

All Region 6 (Pacific Northwest Region) US Forest Service lands require weed-free forage, mulch, and rehabilitation products.

“You must not possess, use, or store any hay, straw, or mulch that has not been certified as free of prohibited noxious vegetative parts and/or seeds at any time of the year. Certification must comply with the state, regional, or

federal Weed-Free Forage Certification Standards.” This is a requirement for hay, straw and mulch on Bureau of Land Management (BLM) property in Oregon, Washington and Idaho.

TECHNICAL ASSISTANCE

Growers wishing to participate in the program should contact the Oregon Department of Agriculture, Commodity Inspection Division.

Certification standards and general information

OREGON DEPARTMENT OF AGRICULTURE

Commodity Inspection Division

Phone _____ 503-986-4620

Web _____ oregon.gov/ODA/PLANT/WEEDS/weedfreeforageprogram.shtml