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DIVISION 1

PROCEDURAL RULES

619-001-0010

Notice of Proposed Rule

Prior to adoption, amendment or repeal of any permanent rule, the Oregon Wine Board will give notice of the proposed adoption, amendment or repeal:

- (1) In the Secretary of State's Oregon Bulletin referred to in ORS 183.360, at least 21 days prior to the effective date of the rule;
- (2) By mailing a copy of the notice, at least 28 days prior to the effective date of the rule, to persons on the Oregon Wine Board's Oregon winery and vineyard mailing list and to persons who have requested such notice in accordance with ORS 183.335(8);
- (3) By posting notice on the Oregon Wine Board website at least 28 days prior to the effective date of the rule; and
- (4) By mailing a copy of the notice to the legislators specified in ORS 183.335(15) at least 49 days before the effective date of the rule.

Stat. Auth.: ORS 576.766(1)
Stats. Implemented: ORS 576.768(2)(b)
Hist.: OWB 1-2005, f. 12-5-05, cert. ef. 12-15-05

619-001-0020

Model Rules of Procedure

The Attorney General's Model Rules of Procedure under the Administrative Procedures Act, in effect on January 1, 2005, are adopted as the rules of procedure for the Oregon Wine Board and shall be followed in all matters except where a different procedure is prescribed by statute or in OAR chapter 619.

Stat. Auth.: ORS 576.766(1)
Stats. Implemented: ORS 576.768(2)(b)
Hist.: OWB 1-2005, f. 12-5-05, cert. ef. 12-15-05

619-001-0030

Definitions

For purposes of these rules, the following definitions apply.

- (1) "Board" means the Oregon Wine Board established pursuant to ORS 576.753.
- (2) "Director" means the director of the Oregon Economic & Community Development Department.

Stat. Auth.: ORS 576.766(1)
Stats. Implemented: ORS 576.768(2)(b)
Hist.: OWB 1-2005, f. 12-5-05, cert. ef. 12-15-05

619-001-0040

Development of Draft Annual Plans

- (1) Each fiscal year, the Oregon Wine Board will prepare draft annual plans for promotion and research during the next fiscal year.
- (2) The draft annual plan for promotion will include, but are not limited to, the following elements:

- (a) A description of how the Board will support the promotion of Oregon's wine grape growing and winemaking industries; and
- (b) Any other elements the Board considers appropriate to include in the draft plan for promotion.

- (3) The draft annual plan for research will include, but are not limited to, the following elements:

- (a) A description of how the Board will support enological and viticultural research;
- (b) A description of how the Board will support economic research to develop sustainable business practices for wine grape growing and winemaking in Oregon; and
- (c) Any other elements the Board considers appropriate to include in the draft plan for research.

Stat. Auth.: ORS 576.766(1)
Stats. Implemented: ORS 576.768(2)(b)
Hist.: OWB 1-2005, f. 12-5-05, cert. ef. 12-15-05

619-001-0050

Development of a Draft Annual Budget

- (1) Each fiscal year, the Oregon Wine Board will prepare a draft annual budget for the next fiscal year.
- (2) The draft annual budget will itemize the anticipated expenditures for each element of the corresponding draft annual plans, as described above in 619-001-0040, and will use classifications of expenditures and revenues required by ORS 291.206(1).

Stat. Auth.: ORS 576.766(1)
Stats. Implemented: ORS 576.768(2)(b)
Hist.: OWB 1-2005, f. 12-5-05, cert. ef. 12-15-05

619-001-0060

Adoption of Annual Plans and Budget

- (1) By February 1 of each year, the Board will make the draft annual budget and annual plans for promotion and research, developed pursuant to 619-001-0040 and 0050 above, available for public review by:

- (a) Mailing copies to persons requesting copies; and
- (b) Posting the draft annual budget and annual plans on the Oregon Wine Board's website.

- (2) By April 1 of each year, the Board will consider the draft annual budget and annual plans, for recommendation to the Director, at a public meeting of the Board held in compliance with the provisions of ORS 192.610 to 192.690.

- (3) If the Board votes to recommend the draft annual budget and annual plans to the Director, the Board will submit the draft annual budget and annual plans to the Director no later than April 2, for the Director's review and approval in accordance with ORS 576.768(2)(c).

- (4) If the Director approves the draft annual budget and annual plans recommended by the Board, the approved draft annual budget and annual plans shall become the Board's adopted annual budget and annual plans without further action.

- (5) If the Director does not approve the draft annual budget and annual plans, the Board shall revise, reconsider and resubmit the draft annual budget and annual plans, substantially in accordance with the procedural requirements of this division of administrative rules, until the Director approves an annual budget and annual plans for the Board, at which time the approved annual budget and annual plans shall become the Board's adopted annual budget and annual plans without further action.

Stat. Auth.: ORS 576.766(1)
Stats. Implemented: ORS 576.768(2)(b)
Hist.: OWB 1-2005, f. 12-5-05, cert. ef. 12-15-05

DIVISION 5

**OREGON CERTIFIED SUSTAINABLE WINE
CERTIFICATION PROGRAM**

619-005-0010

Definitions

- (1) As used in OAR chapter 619, division 005, "bottling-lot" is the entire quantity of a homogeneous wine that is to be bottled using labels that are identical in content, except for indication of bottle size.

- (2) “Applicant” is the owner of the bottling-lot brand name.
 (3) “Qualifying Programs” are Low Input Viticulture and Enology (LIVE), Food Alliance, National Organic Program and its certifying agencies (e.g. Oregon Tilth, Stellar Certification Services, and others), Demeter Biodynamic®.

(4) “Vintage Year” is the year in which a particular wine’s grapes were harvested.

Stat. Auth.: ORS 576.766(1)
 Stats. Implemented: ORS 576.756, 576.579, 182.466
 Hist.: OWB 1-2008, f. & cert. ef. 12-17-08

619-005-0020

Certification

A bottling-lot of wine qualifies for certification in the Oregon Certified Sustainable Wine program if:

- (1) The wine in that bottling-lot contains at least 97% fruit certified by one or more of the Qualifying Programs; and
 (2) Bottling-lots must be produced in:
 (a) Facilities certified by one or more of the Qualifying Programs; or
 (B) Must have their winemaking process certified by one or more of the Qualifying Programs; and

(c) Beginning on January 1, 2011, 97% of the fruit is certified by Salmon-Safe in addition to one of the Qualifying Programs; and

(d) 100% of grapes, in a bottling-lot, must be grown in Oregon and bottled into wine either in Oregon or in a cross-state American Viticultural Area (AVA) that includes Oregon. A list of approved AVAs and which states they are located in can be found at http://www.ttb.gov/appellation/us_by_ava.pdf or from the Oregon Wine Board.

Stat. Auth.: ORS 576.766(1)
 Stats. Implemented: ORS 576.756, 576.579, 182.466
 Hist.: OWB 1-2008, f. & cert. ef. 12-17-08

619-005-0030

Certification Process

(1) To obtain certification for one or more bottling-lot(s), an applicant must submit to the Oregon Wine Board using the online OCSW interface or by using forms available at http://oregonwine.org/Industry/Oregon_Wine_Board/Education/OCSW/:

(a) An Oregon Certified Sustainable Wine Facility Application (resubmitted or updated online annually); and

(b) For each bottling-lot for which certification is requested, an Oregon Certified Sustainable Wine Bottling-Lot Application including all supporting documents.

(2) Upon receipt of completed applications, the Oregon Wine Board or its designee will review the application to determine if all requirements are met and, if approved, the applicant will be required to enter into an Oregon Certified Sustainable Wine Certification Agreement.

(3) Upon execution of the Oregon Certified Sustainable Wine Certification Agreement, the Oregon Wine Board or its designee will provide to the applicant with Oregon Certified Sustainable Wine logo artwork files and the Oregon Certified Sustainable Wine Style Guide.

Stat. Auth.: ORS 576.766(1)

Stats. Implemented: ORS 576.756, 576.579, 182.466
 Hist.: OWB 1-2008, f. & cert. ef. 12-17-08

619-005-0040

Fees

The Oregon Wine Board will charge a fee for use of the Oregon Certified Sustainable Wine certification mark, regardless of whether the certification mark is actually used. Fees vary by applicant’s total number of certified bottles in a vintage year. Vintage years with fewer than 600,000 qualifying bottles will be charged \$.01 per bottle. Vintage years with over 600,000 qualifying bottles will be charged \$.01 for the first 600,000 bottles and \$.005 for every bottle thereafter. The inspection fee of \$250 will be charged upfront for the first audit. Subsequent audits will be invoiced after the fact. The fee schedule is found at http://oregonwine.org/Industry/Oregon_Wine_Board/Education/OCSW/

Stat. Auth.: ORS 576.766(1)
 Stats. Implemented: ORS 576.756, 576.579, 182.466
 Hist.: OWB 1-2008, f. & cert. ef. 12-17-08

619-005-0050

Audits

Oregon Certified Sustainable Wine participants are subject to audit by the Oregon Wine Board, or its designee, for accuracy and legitimacy of claims, including without limitation by review of files, production lot numbers, and the status of certification of the winery and its suppliers by the Qualifying Programs listed in OAR 619-005-0010(3) and, after January 1, 2011, the program listed in OAR 619-005-0020(1)(c). Wineries found to be not in compliance with the certification program rules or certification documents listed in OAR 619-005-0030(2) are subject to revocation of certification and other actions outlined in the Oregon Certified Sustainable Wine Certification Manual, which is available from the Oregon Wine Board or at http://oregonwine.org/Industry/Oregon_Wine_Board/Education/OCSW/

Stat. Auth.: ORS 576.766(1)
 Stats. Implemented: ORS 576.756, 576.579, 182.466
 Hist.: OWB 1-2008, f. & cert. ef. 12-17-08

619-005-0060

Denial of Application for Certification

(1) Upon denial of an application submitted under OAR 619-005-0030(1), the applicant may submit a written request for review of the denial. The request for review will be considered by the Oregon Wine Board’s Complaints and Appeals Committee. If the Complaints and Appeals committee does not review the denial, the Applicant will be provided notice of a right to a contested case hearing.

(2) The Complaints and Appeals Committee consists of the Oregon Wine Board’s Board of Directors. The Complaints and Appeals process is detailed in the Oregon Certified Sustainable Wine Certification Manual, which is available from the Oregon Wine Board or at http://oregonwine.org/Industry/Oregon_Wine_Board/Education/OCSW/.

Stat. Auth.: ORS 576.766(1)
 Stats. Implemented: ORS 576.756, 576.579, 182.466
 Hist.: OWB 1-2008, f. & cert. ef. 12-17-08