

CHAPTER 94—ORGANIC CERTIFICATION

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§6501. Purposes

It is the purpose of this chapter—

- (1) to establish national standards governing the marketing of certain agricultural products as organically produced products;
- (2) to assure consumers that organically produced products meet a consistent standard; and
- (3) to facilitate interstate commerce in fresh and processed food that is organically produced.

(Pub. L. 101–624, [title XXI](#), [§2102](#), [Nov. 28, 1990](#), 104 Stat. 3935.)

SHORT TITLE

Pub. L. 101–624, [title XXI](#), [§2101](#), [Nov. 28, 1990](#), 104 Stat. 3935, provided that: "This title [enacting this chapter] may be cited as the 'Organic Foods Production Act of 1990'."

§6502. Definitions

As used in this chapter:

(1) Agricultural product

The term "agricultural product" means any agricultural commodity or product, whether raw or processed, including any commodity or product derived from livestock that is marketed in the United States for human or livestock consumption.

(2) Botanical pesticides

The term "botanical pesticides" means natural pesticides derived from plants.

(3) Certifying agent

(A) In general

The term "certifying agent" means the chief executive officer of a State or, in the case of a State that provides for the Statewide election of an official to be responsible solely for the administration of the agricultural operations of the State, such official, and any person (including private entities) who is accredited by the Secretary as a certifying agent for the purpose of certifying a farm or handling operation as a certified organic farm or handling operation in accordance with this chapter.

(B) Foreign operations

When used in the context of a certifying agent operating in a foreign country, the term "certifying agent" includes any person (including a private entity)—

- (i) accredited in accordance with section 6514(d) of this title; or
- (ii) accredited by a foreign government that acted under an equivalency agreement negotiated between the United States and the foreign government from which the agricultural product is imported.

(4) Certified organic farm

The term "certified organic farm" means a farm, or portion of a farm, or site where agricultural products or livestock are produced, that is certified by the certifying agent under this chapter as utilizing a system of organic farming as described by this chapter.

(5) Certified organic handling operation

The term "certified organic handling operation" means any operation, or portion of any handling operation, that is certified by the certifying agent under this chapter as utilizing a system of organic handling as described under this chapter.

(6) Crop year

The term "crop year" means the normal growing season for a crop as determined by the Secretary.

(7) Governing State official

The term "governing State official" means the chief executive official of a State or, in the case of a State that provides for the Statewide election of an official to be responsible solely for the administration of the agricultural operations of the State, such official, who administers an organic certification program under this chapter.

(8) Handle

The term "handle" means to sell, process or package agricultural products.

(9) Handler

The term "handler" means any person engaged in the business of handling agricultural products, except such term shall not include final retailers of agricultural products that do not process agricultural products.

(10) Handling operation

The term "handling operation" means any operation or portion of an operation (except final retailers of agricultural products that do not process agricultural products) that—

- (A) receives or otherwise acquires agricultural products; and
- (B) processes, packages, or stores such products.

(11) Livestock

The term "livestock" means any cattle, sheep, goats, swine, poultry, equine animals used for food or in the production of food, fish used for food, wild or domesticated game, or other nonplant life.

(12) National List

The term "National List" means a list of approved and prohibited substances as provided for in section 6517 of this title.

(13) National organic program import certificate

The term "national organic program import certificate" means a form developed for purposes of the program under this chapter—

(A) to provide documentation sufficient to verify that an agricultural product imported for sale in the United States satisfies the requirement under section 6514(c) of this title;

(B) which shall include, at a minimum, information sufficient to indicate, with respect to the agricultural product—

- (i) the origin;
- (ii) the destination;
- (iii) the certifying agent issuing the national organic program import certificate;
- (iv) the harmonized tariff code, if a harmonized tariff code exists for the agricultural product;
- (v) the total weight; and
- (vi) the organic standard to which the agricultural product is certified; and

(C) that is not more than otherwise required under an equivalency agreement negotiated between the United States and the foreign government.

(14) Organic plan

The term "organic plan" means a plan of management of an organic farming or handling operation that has been agreed to by the producer or handler and the certifying agent and that includes written plans concerning all aspects of agricultural production or handling described in this chapter including crop rotation and other practices as required under this chapter.

(15) Organically produced

The term "organically produced" means an agricultural product that is produced and handled in accordance with this chapter.

(16) Person

The term "person" means an individual, group of individuals, corporation, association, organization, cooperative, or other entity.

(17) Pesticide

The term "pesticide" means any substance which alone, in chemical combination, or in any formulation with one or more substances, is defined as a pesticide in the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).

(18) Processing

The term "processing" means cooking, baking, heating, drying, mixing, grinding, churning, separating, extracting, cutting, fermenting, eviscerating, preserving, dehydrating, freezing, or otherwise manufacturing, and includes the packaging, canning, jarring, or otherwise enclosing food in a container.

(19) Producer

The term "producer" means a person who engages in the business of growing or producing food or feed.

(20) Secretary

The term "Secretary" means the Secretary of Agriculture.

(21) State organic certification program

The term "State organic certification program" means a program that meets the requirements of section 6506 of this title, is approved by the Secretary, and that is designed to ensure that a product that is sold or labeled as "organically produced" under this chapter is produced and handled using organic methods.

(22) Synthetic

The term "synthetic" means a substance that is formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources, except that such term shall not apply to substances created by naturally occurring biological processes.

(Pub. L. 101–624, title XXI, §2103, Nov. 28, 1990, 104 Stat. 3935; Pub. L. 115–334, title X, §10104(b), Dec. 20, 2018, 132 Stat. 4899.)

REFERENCES IN TEXT

The Federal Insecticide, Fungicide, and Rodenticide Act, referred to in par. (17), is act June 25, 1947, ch. 125, as amended generally by Pub. L. 92–516, Oct. 21, 1972, 86 Stat. 973, which is classified generally to subchapter II (§136 et seq.) of chapter 6 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 136 of this title and Tables.

AMENDMENTS

2018—Par. (3). Pub. L. 115–334, §10104(b)(1), designated existing provisions as subpar. (A), inserted heading, and added subpar. (B).

Pars. (13) to (22). Pub. L. 115–334, §10104(b)(2), (3), added par. (13) and redesignated former pars. (13) to (21) as (14) to (22), respectively.

§6503. National organic production program

(a) In general

The Secretary shall establish an organic certification program for producers and handlers of agricultural products that have been produced using organic methods as provided for in this chapter.

(b) State program

In establishing the program under subsection (a), the Secretary shall permit each State to implement a State organic certification program for producers and handlers of agricultural products that have been produced using organic methods as provided for in this chapter.

(c) Consultation

In developing the program under subsection (a), and the National List under section 6517 of this title, the Secretary shall consult with the National Organic Standards Board established under section 6518 of this title.

(d) Certification

The Secretary shall implement the program established under subsection (a) through certifying agents. Such certifying agents may certify a farm or handling operation that meets the requirements of this chapter and the requirements of the organic certification program of the State (if applicable) as an organically certified farm or handling operation.

(Pub. L. 101–624, [title XXI, §2104](#), [Nov. 28, 1990](#), 104 Stat. 3937.)

EXCLUSIONS FROM ORGANIC CERTIFICATION

Pub. L. 115–334, [title X, §10104\(a\)](#), [Dec. 20, 2018](#), 132 Stat. 4899, provided that: "Not later than 1 year after the date of enactment of this Act [Dec. 20, 2018], the Secretary [of Agriculture] shall issue regulations to limit the type of organic operations that are excluded from certification under section 205.101 of title 7, Code of Federal Regulations, and from certification under any other related sections under part 205 of title 7, Code of Federal Regulations."

§6504. National standards for organic production

To be sold or labeled as an organically produced agricultural product under this chapter, an agricultural product shall—

(1) have been produced and handled without the use of synthetic chemicals, except as otherwise provided in this chapter;

(2) except as otherwise provided in this chapter and excluding livestock, not be produced on land to which any prohibited substances, including synthetic chemicals, have been applied during the 3 years immediately preceding the harvest of the agricultural products; and

(3) be produced and handled in compliance with an organic plan agreed to by the producer and handler of such product and the certifying agent.

(Pub. L. 101–624, [title XXI, §2105](#), [Nov. 28, 1990](#), 104 Stat. 3937; Pub. L. 102–237, [title X, §1001\(1\)](#), [Dec. 13, 1991](#), 105 Stat. 1893.)

AMENDMENTS

1991—Par. (2). Pub. L. 102–237 substituted "; and" for period at end.

§6505. Compliance requirements

(a) Domestic products

(1) In general

On or after October 1, 1993—

(A) a person may sell or label an agricultural product as organically produced only if such product is produced and handled in accordance with this chapter; and

(B) no person may affix a label to, or provide other market information concerning, an agricultural product if such label or information implies, directly or indirectly, that such product is produced and handled using organic methods, except in accordance with this chapter.

(2) USDA standards and seal

A label affixed, or other market information provided, in accordance with paragraph (1) may indicate that the agricultural product meets Department of Agriculture standards for organic production and may incorporate the Department of Agriculture seal.

(b) Imported products

Imported agricultural products may be sold or labeled as organically produced if the Secretary determines that such products have been produced and handled under an organic certification program that provides safeguards and guidelines governing the production and handling of such products that are at least equivalent to the requirements of this chapter.

(c) Exemptions for processed food

Subsection (a) shall not apply to agricultural products that—

(1) contain at least 50 percent organically produced ingredients by weight, excluding water and salt, to the extent that the Secretary, in consultation with the National Organic Standards Board and the Secretary of Health and Human Services, has determined to permit the word "organic" to be used on the principal display panel of such products only for the purpose of describing the organically produced ingredients; or

(2) contain less than 50 percent organically produced ingredients by weight, excluding water and salt, to the extent that the Secretary, in consultation with the National Organic Standards Board and the Secretary of Health and Human Services, has determined to permit the word "organic" to appear on the ingredient listing panel to describe those ingredients that are organically produced in accordance with this chapter.

(d) Small farmer exemption

Subsection (a)(1) shall not apply to persons who sell no more than \$5,000 annually in value of agricultural products.

(Pub. L. 101–624, [title XXI, §2106](#), Nov. 28, 1990, 104 Stat. 3937.)

§6506. General requirements

(a) In general

A program established under this chapter shall—

(1) provide that an agricultural product to be sold or labeled as organically produced must—

(A) be produced only on certified organic farms and handled only through certified organic handling operations in accordance with this chapter; and

(B) be produced and handled in accordance with such program;

(2) require that producers and handlers desiring to participate under such program establish an organic plan under section 6513 of this title;

(3) provide for procedures that allow producers and handlers to appeal an adverse administrative determination under this chapter;

(4) require each certified organic farm or each certified organic handling operation to certify to the Secretary, the governing State official (if applicable), and the certifying agent on an annual basis, that such farm or handler has not produced or handled any agricultural product sold or labeled as organically produced except in accordance with this chapter;

(5) provide for annual on-site inspection by the certifying agent of each farm and handling operation that has been certified under this chapter;

(6) require periodic residue testing by certifying agents of agricultural products that have been produced on certified organic farms and handled through certified organic handling operations to determine whether such products contain any pesticide or other nonorganic residue or natural toxicants and to require certifying agents, to the extent that such agents are aware of a violation of applicable laws relating to food safety, to report such violation to the appropriate health agencies;

(7) provide for appropriate and adequate enforcement procedures, as determined by the Secretary to be necessary and consistent with this chapter;

(8) protect against conflict-of-interest as specified under section 6515(g) of this title;

(9) provide for public access to certification documents and laboratory analyses that pertain to certification;

(10) provide for the collection of reasonable fees from producers, certifying agents and handlers who participate in such program; and

(11) require such other terms and conditions as may be determined by the Secretary to be necessary.

(b) Discretionary requirements

An organic certification program established under this chapter may—

(1) provide for the certification of an entire farm or handling operation or specific fields of a farm or parts of a handling operation if—

(A) in the case of a farm or field, the area to be certified has distinct, defined boundaries and buffer zones separating the land being operated through the use of organic methods from land that is not being operated through the use of such methods;

(B) the operators of such farm or handling operation maintain records of all organic operations separate from records relating to other operations and make such records available at all times for inspection by the Secretary, the certifying agent, and the governing State official; and

(C) appropriate physical facilities, machinery, and management practices are established to prevent the possibility of a mixing of organic and nonorganic products or a penetration of prohibited chemicals or other substances on the certified area; and

(2) provide for reasonable exemptions from specific requirements of this chapter (except the provisions of section 6511 of this title) with respect to agricultural products produced on certified organic farms if such farms are subject to a Federal or State emergency pest or disease treatment program.

(c) Wild seafood

(1) In general

Notwithstanding the requirement of subsection (a)(1)(A) requiring products be produced only on certified organic farms, the Secretary shall allow, through regulations promulgated after public notice and opportunity for comment, wild seafood to be certified or labeled as organic.

(2) Consultation and accommodation

In carrying out paragraph (1), the Secretary shall—

(A) consult with—

(i) the Secretary of Commerce;

(ii) the National Organic Standards Board established under section 6518 of this title;

(iii) producers, processors, and sellers; and

(iv) other interested members of the public; and

(B) to the maximum extent practicable, accommodate the unique characteristics of the industries in the United States that harvest and process wild seafood.

(d) State program

A State organic certification program approved under this chapter may contain additional guidelines governing the production or handling of products sold or labeled as organically produced in such State as required in section 6507 of this title.

(e) Availability of fees

(1) Account

Fees collected under subsection (a)(10) (including late payment penalties and interest earned from investment of the fees) shall be credited to the account that incurs the cost of the services provided under this chapter.

(2) Use

The collected fees shall be available to the Secretary, without further appropriation or fiscal-year limitation, to pay the expenses of the Secretary incurred in providing accreditation services under this chapter.

(Pub. L. 101–624, [title XXI, §2107](#), Nov. 28, 1990, 104 Stat. 3938; Pub. L. 105–185, [title VI, §601\(a\)](#), June 23, 1998, 112 Stat. 585; Pub. L. 108–11, [title II, §2105](#), Apr. 16, 2003, 117 Stat. 589; Pub. L. 113–79, [title X, §10005\(b\)\(2\)](#), Feb. 7, 2014, 128 Stat. 944.)

AMENDMENTS

2014—Subsec. (a)(8). Pub. L. 113–79 substituted "section 6515(g)" for "section 6515(h)".

2003—Subsecs. (c) to (e). Pub. L. 108–11 added subsec. (c) and redesignated former subsecs. (c) and (d) as (d) and (e), respectively.

1998—Subsec. (d). Pub. L. 105–185 added subsec. (d).

§6507. State organic certification program

(a) In general

The governing State official may prepare and submit a plan for the establishment of a State organic certification program to the Secretary for approval. A State organic certification program must meet the requirements of this chapter to be approved by the Secretary.

(b) Additional requirements

(1) Authority

A State organic certification program established under subsection (a) may contain more restrictive requirements governing the organic certification of farms and handling operations and the production and handling of agricultural products that are to be sold or labeled as organically produced under this chapter than are contained in the program established by the Secretary.

(2) Content

Any additional requirements established under paragraph (1) shall—

- (A) further the purposes of this chapter;
- (B) not be inconsistent with this chapter;
- (C) not be discriminatory towards agricultural commodities organically produced in other States in accordance with this chapter; and
- (D) not become effective until approved by the Secretary.

(c) Review and other determinations

(1) Subsequent review

The Secretary shall review State organic certification programs not less than once during each 5-year period following the date of the approval of such programs.

(2) Changes in program

The governing State official, prior to implementing any substantive change to programs approved under this subsection, shall submit such change to the Secretary for approval.

(3) Time for determination

The Secretary shall make a determination concerning any plan, proposed change to a program, or a review of a program not later than 6 months after receipt of such plan, such proposed change, or the initiation of such review.

(Pub. L. 101–624, [title XXI](#), [§2108](#), [Nov. 28, 1990](#), 104 Stat. 3939.)

§6508. Prohibited crop production practices and materials

(a) Seed, seedlings and planting practices

For a farm to be certified under this chapter, producers on such farm shall not apply materials to, or engage in practices on, seeds or seedlings that are contrary to, or inconsistent with, the applicable organic certification program.

(b) Soil amendments

For a farm to be certified under this chapter, producers on such farm shall not—

- (1) use any fertilizers containing synthetic ingredients or any commercially blended fertilizers containing materials prohibited under this chapter or under the applicable State organic certification program; or
- (2) use as a source of nitrogen: phosphorous, lime, potash, or any materials that are inconsistent with the applicable organic certification program.

(c) Crop management

For a farm to be certified under this chapter, producers on such farm shall not—

- (1) use natural poisons such as arsenic or lead salts that have long-term effects and persist in the environment, as determined by the applicable governing State official or the Secretary;
- (2) use plastic mulches, unless such mulches are removed at the end of each growing or harvest season; or
- (3) use transplants that are treated with any synthetic or prohibited material.

(Pub. L. 101–624, [title XXI](#), [§2109](#), [Nov. 28, 1990](#), 104 Stat. 3940.)

§6509. Animal production practices and materials

(a) In general

Any livestock that is to be slaughtered and sold or labeled as organically produced shall be raised in accordance with this chapter.

(b) Breeder stock

Breeder stock may be purchased from any source if such stock is not in the last third of gestation.

(c) Practices

For a farm to be certified under this chapter as an organic farm with respect to the livestock produced by such farm, producers on such farm—

- (1) shall feed such livestock organically produced feed that meets the requirements of this chapter;
- (2) shall not use the following feed—
 - (A) plastic pellets for roughage;
 - (B) manure refeeding; or
 - (C) feed formulas containing urea; and

(3) shall not use growth promoters and hormones on such livestock, whether implanted, ingested, or injected, including antibiotics and synthetic trace elements used to stimulate growth or production of such livestock.

(d) Health care

(1) Prohibited practices

For a farm to be certified under this chapter as an organic farm with respect to the livestock produced by such farm, producers on such farm shall not—

- (A) use subtherapeutic doses of antibiotics;
- (B) use synthetic internal parasiticides on a routine basis; or
- (C) administer medication, other than vaccinations, in the absence of illness.

(2) Standards

The National Organic Standards Board shall recommend to the Secretary standards in addition to those in paragraph (1) for the care of livestock to ensure that such livestock is organically produced.

(e) Additional guidelines

(1) Poultry

With the exception of day old poultry, all poultry from which meat or eggs will be sold or labeled as organically produced shall be raised and handled in accordance with this chapter prior to and during the period in which such meat or eggs are sold.

(2) Dairy livestock

(A) In general

Except as provided in subparagraph (B), a dairy animal from which milk or milk products will be sold or labeled as organically produced shall be raised and handled in accordance with this chapter for not less than the 12-month period immediately prior to the sale of such milk and milk products.

(B) Transition guideline

Crops and forage from land included in the organic system plan of a dairy farm that is in the third year of organic management may be consumed by the dairy animals of the farm during the 12-month period immediately prior to the sale of organic milk and milk products.

(f) Livestock identification

(1) In general

For a farm to be certified under this chapter as an organic farm with respect to the livestock produced by such farm, producers on such farm shall keep adequate records and maintain a detailed, verifiable audit trail so that each animal (or in the case of poultry, each flock) can be traced back to such farm.

(2) Records

In order to carry out paragraph (1), each producer shall keep accurate records on each animal (or in the case of poultry, each flock) including—

- (A) amounts and sources of all medications administered; and
- (B) all feeds and feed supplements bought and fed.

(g) Notice and public comment

The Secretary shall hold public hearings and shall develop detailed regulations, with notice and public comment, to guide the implementation of the standards for livestock products provided under this section.

(Pub. L. 101–624, [title XXI, §2110](#), Nov. 28, 1990, 104 Stat. 3940; Pub. L. 102–237, [title X, §1001\(2\)](#), Dec. 13, 1991, 105 Stat. 1893; Pub. L. 109–97, [title VII, §797\(c\)](#), Nov. 10, 2005, 119 Stat. 2165.)

AMENDMENTS

2005—Subsec. (e)(2). Pub. L. 109–97 designated existing provisions as subpar. (A), inserted heading, substituted "Except as provided in subparagraph (B), a dairy" for "A dairy", and added subpar. (B).

1991—Subsec. (d)(1)(B). Pub. L. 102–237, §1001(2)(A), substituted "parasiticides" for "paraciticides".

Subsecs. (g), (h). Pub. L. 102–237, §1001(2)(B), redesignated subsec. (h) as (g).

§6510. Handling

(a) In general

For a handling operation to be certified under this chapter, each person on such handling operation shall not, with respect to any agricultural product covered by this chapter—

- (1) add any synthetic ingredient not appearing on the National List during the processing or any postharvest handling of the product;
- (2) add any ingredient known to contain levels of nitrates, heavy metals, or toxic residues in excess of those permitted by the applicable organic certification program;
- (3) add any sulfites, except in the production of wine, nitrates, or nitrites;
- (4) add any ingredients that are not organically produced in accordance with this chapter and the applicable organic certification program, unless such ingredients are included on the National List and represent not more than 5 percent of the weight of the total finished product (excluding salt and water);
- (5) use any packaging materials, storage containers or bins that contain synthetic fungicides, preservatives, or fumigants;
- (6) use any bag or container that had previously been in contact with any substance in such a manner as to compromise the organic quality of such product; or
- (7) use, in such product water that does not meet all Safe Drinking Water Act [42 U.S.C. 300f et seq.] requirements.

(b) Meat

For a farm or handling operation to be organically certified under this chapter, producers on such farm or persons on such handling operation shall ensure that organically produced meat does not come in contact with nonorganically produced meat.

(Pub. L. 101–624, [title XXI, §2111](#), Nov. 28, 1990, 104 Stat. 3941; Pub. L. 102–237, [title X, §1001\(3\)](#), Dec. 13, 1991, 105 Stat. 1893; Pub. L. 106–387, [§1\(a\) \[title VII, §748\]](#), Oct. 28, 2000, 114 Stat. 1549, 1549A–41; Pub. L. 109–97, [title VII, §797\(a\)](#), Nov. 10, 2005, 119 Stat. 2165.)

REFERENCES IN TEXT

The Safe Drinking Water Act, referred to in subsec. (a)(7), is title XIV of act July 1, 1944, as added Dec. 16, 1974, Pub. L. 93-523, §2(a), 88 Stat. 1660, as amended, which is classified generally to subchapter XII (§300f et seq.) of chapter 6A of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 201 of Title 42 and Tables.

AMENDMENTS

- 2005**—Subsec. (a)(1). Pub. L. 109-97 inserted "not appearing on the National List" after "ingredient".
2000—Subsec. (a)(3). Pub. L. 106-387 inserted "except in the production of wine," after "sulfites,".
1991—Subsec. (a)(1). Pub. L. 102-237 substituted "postharvest" for "post harvest".

§6511. Additional guidelines

(a) In general

The Secretary, the applicable governing State official, and the certifying agent shall utilize a system of residue testing to test products sold or labeled as organically produced under this chapter to assist in the enforcement of this chapter.

(b) Preharvest testing

The Secretary, the applicable governing State official, or the certifying agent may require preharvest tissue testing of any crop grown on soil suspected of harboring contaminants.

(c) Compliance review

(1) Inspection

If the Secretary, the applicable governing State official, or the certifying agent determines that an agricultural product sold or labeled as organically produced under this chapter contains any detectable pesticide or other non-organic residue or prohibited natural substance the Secretary, the applicable governing State official, or the certifying agent shall conduct an investigation to determine if the organic certification program has been violated, and may require the producer or handler of such product to prove that any prohibited substance was not applied to such product.

(2) Removal of organic label

If, as determined by the Secretary, the applicable governing State official, or the certifying agent, the investigation conducted under paragraph (1) indicates that the residue is—

- (A) the result of intentional application of a prohibited substance; or
- (B) present at levels that are greater than unavoidable residual environmental contamination as prescribed by the Secretary or the applicable governing State official in consultation with the appropriate environmental regulatory agencies;

such agricultural product shall not be sold or labeled as organically produced under this chapter.

(Pub. L. 101-624, title XXI, §2112, Nov. 28, 1990, 104 Stat. 3942; Pub. L. 102-237, title X, §1001(4), Dec. 13, 1991, 105 Stat. 1893; Pub. L. 113-79, title X, §10005(a), Feb. 7, 2014, 128 Stat. 944.)

AMENDMENTS

2014—Subsec. (d). Pub. L. 113-79 struck out subsec. (d) which related to recordkeeping requirements for producers who operate a certified organic farm or handling operation.

1991—Subsec. (b). Pub. L. 102-237 substituted "Preharvest" for "Pre-harvest" in heading.

§6512. Other production and handling practices

If a production or handling practice is not prohibited or otherwise restricted under this chapter, such practice shall be permitted unless it is determined that such practice would be inconsistent with the applicable organic certification program.

(Pub. L. 101-624, title XXI, §2113, Nov. 28, 1990, 104 Stat. 3943.)

§6513. Organic plan

(a) In general

A producer or handler seeking certification under this chapter shall submit an organic plan to the certifying agent and the State organic certification program (if applicable), and such plan shall be reviewed by the certifying agent who shall determine if such plan meets the requirements of the programs.

(b) Crop production farm plan

(1) Soil fertility

An organic plan shall contain provisions designed to foster soil fertility, primarily through the management of the organic content of the soil through proper tillage, crop rotation, and manuring.

(2) Manuring

(A) Inclusion in organic plan

An organic plan shall contain terms and conditions that regulate the application of manure to crops.

(B) Application of manure

Such organic plan may provide for the application of raw manure only to—

- (i) any green manure crop;
- (ii) any perennial crop;
- (iii) any crop not for human consumption; and
- (iv) any crop for human consumption, if such crop is harvested after a reasonable period of time determined by the certifying agent to ensure the safety of such crop, after the most recent application of raw manure, but in no event shall such period be less than 60 days after such application.

(C) Contamination by manure

Such organic plan shall prohibit raw manure from being applied to any crop in a way that significantly contributes to water contamination by nitrates or bacteria.

(c) Livestock plan

An organic livestock plan shall contain provisions designed to foster the organic production of livestock consistent with the purposes of this chapter.

(d) Mixed crop livestock production

An organic plan may encompass both the crop production and livestock production requirements in subsections (b) and (c) if both activities are conducted by the same producer.

(e) Handling plan

An organic handling plan shall contain provisions designed to ensure that agricultural products that are sold or labeled as organically produced are produced and handled in a manner that is consistent with the purposes of this chapter.

(f) Management of wild crops

An organic plan for the harvesting of wild crops shall—

- (1) designate the area from which the wild crop will be gathered or harvested;
- (2) include a 3 year history of the management of the area showing that no prohibited substances have been applied;
- (3) include a plan for the harvesting or gathering of the wild crops assuring that such harvesting or gathering will not be destructive to the environment and will sustain the growth and production of the wild crop; and
- (4) include provisions that no prohibited substances will be applied by the producer.

(g) Limitation on content of plan

An organic plan shall not include any production or handling practices that are inconsistent with this chapter.

(Pub. L. 101–624, [title XXI, §2114](#), Nov. 28, 1990, 104 Stat. 3943.)

§6514. Accreditation program

(a) In general

The Secretary shall establish and implement a program to accredit a governing State official, and any private person, that meets the requirements of this section as a certifying agent for the purpose of certifying a farm or handling operation as a certified organic farm or handling operation.

(b) Requirements

To be accredited as a certifying agent under this section, a governing State official or private person shall—

- (1) prepare and submit, to the Secretary, an application for such accreditation;
- (2) have sufficient expertise in organic farming and handling techniques as determined by the Secretary; and
- (3) comply with the requirements of this section and section 6515 of this title.

(c) Additional documentation and verification

The Secretary, acting through the Deputy Administrator of the national organic program established under this chapter, has the authority, and shall grant a certifying agent the authority, to require producers and handlers to provide additional documentation or verification before granting a certification under section 6503 of this title, in the case of a compliance risk with respect to meeting the national standards for organic production established under section 6504 of this title, as determined by the Secretary or the certifying agent.

(d) Accreditation of Foreign organic certification program

(1) In general

For an agricultural product being imported into the United States to be represented as organically produced, the Secretary shall require the agricultural product to be accompanied by a complete and valid national organic import certificate, which shall be available as an electronic record.

(2) Tracking system

(A) In general

The Secretary shall establish a system to track national organic import certificates.

(B) Integration

In establishing the system under subparagraph (A), the Secretary may integrate the system into any existing information tracking systems for imports of agricultural products.

(e) Duration of accreditation

An accreditation made under this section—

- (1) subject to paragraph (2), shall be for a period of not more than 5 years, as determined appropriate by the Secretary;
- (2) in the case of a certifying agent operating in a foreign country, shall be for a period of time that is consistent with the certification of a domestic certifying agent, as determined appropriate by the Secretary; and
- (3) may be renewed.

(Pub. L. 101–624, [title XXI, §2115](#), Nov. 28, 1990, 104 Stat. 3944; Pub. L. 115–334, [title X, §10104\(c\)](#), Dec. 20, 2018, 132 Stat. 4900.)

AMENDMENTS

2018—Subsecs. (c) to (e). Pub. L. 115–334 added subsecs. (c) to (e) and struck out former subsec. (c). Prior to amendment, text of subsec. (c) read as follows: "An accreditation made under this section shall be for a period of not to exceed 5 years, as determined appropriate by the Secretary, and may be renewed."

§6515. Requirements of certifying agents

(a) Ability to implement requirements

To be accredited as a certifying agent under section 6514 of this title, a governing State official or a person shall be able to fully implement the applicable organic certification program established under this chapter.

(b) Inspectors

Any certifying agent shall employ a sufficient number of inspectors to implement the applicable organic certification program established under this chapter, as determined by the Secretary.

(c) Agreement

Any certifying agent shall enter into an agreement with the Secretary under which such agent shall—

- (1) agree to carry out the provisions of this chapter; and
- (2) agree to such other terms and conditions as the Secretary determines appropriate.

(d) Private certifying agent agreement

Any certifying agent that is a private person shall, in addition to the agreement required in subsection (c)—

- (1) agree to hold the Secretary harmless for any failure on the part of the certifying agent to carry out the provisions of this chapter; and
- (2) furnish reasonable security, in an amount determined by the Secretary, for the purpose of protecting the rights of participants in the applicable organic certification program established under this chapter.

(e) Compliance with program

Any certifying agent shall fully comply with the terms and conditions of the applicable organic certification program implemented under this chapter.

(f) Confidentiality

Except as provided in section 6506(a)(9) of this title, any certifying agent shall maintain strict confidentiality with respect to its clients under the applicable organic certification program and may not disclose to third parties (with the exception of the Secretary or the applicable governing State official) any business related information concerning such client obtained while implementing this chapter.

(g) Conflict of interest

Any certifying agent shall not—

- (1) carry out any inspections of any operation in which such certifying agent, or employee of such certifying agent has, or has had, a commercial interest, including the provision of consultancy services;
- (2) accept payment, gifts, or favors of any kind from the business inspected other than prescribed fees; or
- (3) provide advice concerning organic practices or techniques for a fee, other than fees established under such program.

(h) Administrator

A certifying agent that is a private person shall nominate the individual who controls the day-to-day operation of the agent.

(i) Loss of accreditation

(1) Noncompliance

If the Secretary or the governing State official (if applicable) determines that a certifying agent or an entity acting as an agent of the certifying agent is not properly adhering to the provisions of this chapter, the Secretary or such governing State official may suspend such certifying agent's accreditation.

(2) Oversight of certifying offices and foreign operations

(A) In general

If the Secretary determines that an office of a certifying agent or entity described in paragraph (1) is not complying with the provisions of this chapter, the Secretary may suspend the operations of the certifying agent or the noncompliant office, including—

- (i) an office operating in a foreign country; and
- (ii) an office operating in the United States, including an office acting on behalf of a foreign-domiciled entity.

(B) Process for resuming operations following suspension

The Secretary shall provide for a process that is otherwise consistent with this section that authorizes a suspended office to resume operations.

(3) Effect on certified operations

If the accreditation of a certifying agent is suspended under paragraph (1), the Secretary or the governing State official (if applicable) shall promptly determine whether farming or handling operations certified by such certifying agent may retain their organic certification.

(j) Notice

Not later than 90 days after the date on which a new certifying office performing certification activities opens, an accredited certifying agent shall notify the Secretary of the opening.

(Pub. L. 101–624, title XXI, §2116, Nov. 28, 1990, 104 Stat. 3944; Pub. L. 102–237, title X, §1001(5), Dec. 13, 1991, 105 Stat. 1893; Pub. L. 113–79, title X, §10005(b)(1), Feb. 7, 2014, 128 Stat. 944; Pub. L. 115–334, title X, §10104(d), Dec. 20, 2018, 132 Stat. 4900.)

AMENDMENTS

2018—Subsec. (i)(1). Pub. L. 115–334, §10104(d)(1)(A), inserted "or an entity acting as an agent of the certifying agent" after "a certifying agent".

Subsec. (i)(2), (3). Pub. L. 115–334, §10104(d)(1)(B), (C), added par. (2) and redesignated former par. (2) as (3).

Subsec. (j). Pub. L. 115–334, §10104(d)(2), added subsec. (j).

2014—Subsecs. (c) to (j). Pub. L. 113–79 redesignated subsecs. (d) to (j) as (c) to (i), respectively, substituted "subsection (c)" for "subsection (d)" in introductory provisions of subsec. (d), and struck out former subsec. (c) which related to maintenance of, access to, and transference of records of certifying agents.

1991—Subsec. (j)(2). Pub. L. 102–237 substituted "such certifying" for "certifying such".

§6516. Peer review of certifying agents

(a) Peer review

In determining whether to approve an application for accreditation submitted under section 6514 of this title, the Secretary shall consider a report concerning such applicant that shall be prepared by a peer review panel established under subsection (b).

(b) Peer review panel

To assist the Secretary in evaluating applications under section 6514 of this title, the Secretary may establish a panel of not less than three persons who have expertise in organic farming and handling methods, to evaluate the State governing official or private person that

is seeking accreditation as a certifying agent under such section. Not less than two members of such panel shall be persons who are not employees of the Department of Agriculture or of the applicable State government.

(Pub. L. 101–624, title XXI, §2117, Nov. 28, 1990, 104 Stat. 3945.)

§6517. National List

(a) In general

The Secretary shall establish a National List of approved and prohibited substances that shall be included in the standards for organic production and handling established under this chapter in order for such products to be sold or labeled as organically produced under this chapter.

(b) Content of list

The list established under subsection (a) shall contain an itemization, by specific use or application, of each synthetic substance permitted under subsection (c)(1) or each natural substance prohibited under subsection (c)(2).

(c) Guidelines for prohibitions or exemptions

(1) Exemption for prohibited substances in organic production and handling operations

The National List may provide for the use of substances in an organic farming or handling operation that are otherwise prohibited under this chapter only if—

(A) the Secretary determines, in consultation with the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency, that the use of such substances—

- (i) would not be harmful to human health or the environment;
- (ii) is necessary to the production or handling of the agricultural product because of the unavailability of wholly natural substitute products; and
- (iii) is consistent with organic farming and handling;

(B) the substance—

(i) is used in production and contains an active synthetic ingredient in the following categories: copper and sulfur compounds; toxins derived from bacteria; pheromones, soaps, horticultural oils, fish emulsions, treated seed, vitamins and minerals; livestock parasiticides and medicines and production aids including netting, tree wraps and seals, insect traps, sticky barriers, row covers, and equipment cleansers; or

(ii) is used in production and contains synthetic inert ingredients that are not classified by the Administrator of the Environmental Protection Agency as inerts of toxicological concern; and

(C) the specific exemption is developed using the procedures described in subsection (d).

(2) Prohibition on the use of specific natural substances

The National List may prohibit the use of specific natural substances in an organic farming or handling operation that are otherwise allowed under this chapter only if—

(A) the Secretary determines, in consultation with the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency, that the use of such substances—

- (i) would be harmful to human health or the environment; and
- (ii) is inconsistent with organic farming or handling, and the purposes of this chapter; and

(B) the specific prohibition is developed using the procedures specified in subsection (d).

(d) Procedure for establishing National List

(1) In general

The National List established by the Secretary shall be based upon a proposed national list or proposed amendments to the National List developed by the National Organic Standards Board.

(2) No additions

The Secretary may not include exemptions for the use of specific synthetic substances in the National List other than those exemptions contained in the Proposed National List or Proposed Amendments to the National List.

(3) Prohibited substances

In no instance shall the National List include any substance, the presence of which in food has been prohibited by Federal regulatory action.

(4) Notice and comment

Before establishing the National List or before making any amendments to the National List, the Secretary shall publish the Proposed National List or any Proposed Amendments to the National List in the Federal Register and seek public comment on such proposals. The Secretary shall include in such Notice any changes to such proposed list or amendments recommended by the Secretary.

(5) Publication of National List

After evaluating all comments received concerning the Proposed National List or Proposed Amendments to the National List, the Secretary shall publish the final National List in the Federal Register, along with a discussion of comments received.

(6) Expedited petitions for commercially unavailable organic agricultural products constituting less than 5 percent of an organic processed product

The Secretary may develop emergency procedures for designating agricultural products that are commercially unavailable in organic form for placement on the National List for a period of time not to exceed 12 months.

(e) Sunset provision

No exemption or prohibition contained in the National List shall be valid unless the National Organic Standards Board has reviewed such exemption or prohibition as provided in this section within 5 years of such exemption or prohibition being adopted or reviewed and the Secretary has renewed such exemption or prohibition.

(Pub. L. 101–624, title XXI, §2118, Nov. 28, 1990, 104 Stat. 3946; Pub. L. 102–237, title X, §1001(6), Dec. 13, 1991, 105 Stat. 1893; Pub. L. 109–97, title VII, §797(b), Nov. 10, 2005, 119 Stat. 2165.)

AMENDMENTS

2005—Subsec. (c)(1). Pub. L. 109–97, §797(b)(1)(A), inserted "in organic production and handling operations" after "substances" in heading.

Subsec. (c)(1)(B)(iii). Pub. L. 109–97, §797(b)(1)(B), (C), struck out cl. (iii) which read as follows: "is used in handling and is non-synthetic but is not organically produced; and".

Subsec. (d)(6). Pub. L. 109–97, §797(b)(2), added par. (6).

1991—Subsec. (c)(1)(B)(i). Pub. L. 102–237 substituted "parasitocides" for "paracitocides".

§6518. National Organic Standards Board

(a) In general

The Secretary shall establish a National Organic Standards Board (in accordance with the Federal Advisory Committee Act) (hereafter referred to in this section as the "Board") to assist in the development of standards for substances to be used in organic production and to advise the Secretary on any other aspects of the implementation of this chapter.

(b) Composition of Board

The Board shall be composed of 15 members, of which—

- (1) four shall be individuals who own or operate an organic farming operation, or employees of such individuals;
- (2) two shall be individuals who own or operate an organic handling operation, or employees of such individuals;
- (3) one shall be an individual who owns or operates a retail establishment with significant trade in organic products, or an employee of such individual;
- (4) three shall be individuals with expertise in areas of environmental protection and resource conservation;
- (5) three shall be individuals who represent public interest or consumer interest groups;
- (6) one shall be an individual with expertise in the fields of toxicology, ecology, or biochemistry; and
- (7) one shall be an individual who is a certifying agent as identified under section 6515 of this title.

(c) Appointment

Not later than 180 days after November 28, 1990, the Secretary shall appoint the members of the Board under paragraph (1) through (6) of subsection (b) (and under subsection (b)(7) at an appropriate date after the certification of individuals as certifying agents under section 6515 of this title) from nominations received from organic certifying organizations, States, and other interested persons and organizations.

(d) Term

A member of the Board shall serve for a term of 5 years, except that the Secretary shall appoint the original members of the Board for staggered terms. A member cannot serve consecutive terms unless such member served an original term that was less than 5 years.

(e) Meetings

The Secretary shall convene a meeting of the Board not later than 60 days after the appointment of its members and shall convene subsequent meetings on a periodic basis.

(f) Compensation and expenses

A member of the Board shall serve without compensation. While away from their homes or regular places of business on the business of the Board, members of the Board may be allowed travel expenses, including per diem in lieu of subsistence, as is authorized under section 5703 of title 5 for persons employed intermittently in the Government service.

(g) Chairperson

The Board shall select a Chairperson for the Board.

(h) Quorum

A majority of the members of the Board shall constitute a quorum for the purpose of conducting business.

(i) Decisive votes

(1) In general

2/3 of the votes cast at a meeting of the Board at which a quorum is present shall be decisive of any motion.

(2) National list

Any vote on a motion proposing to amend the national list shall be considered to be a decisive vote that requires 2/3 of the votes cast at a meeting of the Board at which a quorum is present to prevail.

(j) Other terms and conditions

The Secretary shall authorize the Board to hire a staff director and shall detail staff of the Department of Agriculture or allow for the hiring of staff and may, subject to necessary appropriations, pay necessary expenses incurred by such Board in carrying out the provisions of this chapter, as determined appropriate by the Secretary.

(k) Responsibilities of Board

(1) In general

The Board shall provide recommendations to the Secretary regarding the implementation of this chapter.

(2) National List

The Board shall develop the proposed National List or proposed amendments to the National List for submission to the Secretary in accordance with section 6517 of this title.

(3) Technical advisory panels

The Board shall convene technical advisory panels to provide scientific evaluation of the materials considered for inclusion in the National List. Such panels may include experts in agronomy, entomology, health sciences and other relevant disciplines.

(4) Special review of botanical pesticides

The Board shall, prior to the establishment of the National List, review all botanical pesticides used in agricultural production and consider whether any such botanical pesticide should be included in the list of prohibited natural substances.

(5) Product residue testing

The Board shall advise the Secretary concerning the testing of organically produced agricultural products for residues caused by unavoidable residual environmental contamination.

(6) Emergency spray programs

The Board shall advise the Secretary concerning rules for exemptions from specific requirements of this chapter (except the provisions of section 6511 of this title) with respect to agricultural products produced on certified organic farms if such farms are subject to a Federal or State emergency pest or disease treatment program.

(l) Requirements

In establishing the proposed National List or proposed amendments to the National List, the Board shall—

(1) review available information from the Environmental Protection Agency, the National Institute of Environmental Health Studies, and such other sources as appropriate, concerning the potential for adverse human and environmental effects of substances considered for inclusion in the proposed National List;

(2) work with manufacturers of substances considered for inclusion in the proposed National List to obtain a complete list of ingredients and determine whether such substances contain inert materials that are synthetically produced; and

(3) submit to the Secretary, along with the proposed National List or any proposed amendments to such list, the results of the Board's evaluation and the evaluation of the technical advisory panel of all substances considered for inclusion in the National List.

(m) Evaluation

In evaluating substances considered for inclusion in the proposed National List or proposed amendment to the National List, the Board shall consider—

(1) the potential of such substances for detrimental chemical interactions with other materials used in organic farming systems;

(2) the toxicity and mode of action of the substance and of its breakdown products or any contaminants, and their persistence and areas of concentration in the environment;

(3) the probability of environmental contamination during manufacture, use, misuse or disposal of such substance;

(4) the effect of the substance on human health;

(5) the effects of the substance on biological and chemical interactions in the agroecosystem, including the physiological effects of the substance on soil organisms (including the salt index and solubility of the soil), crops and livestock;

(6) the alternatives to using the substance in terms of practices or other available materials; and

(7) its compatibility with a system of sustainable agriculture.

(n) Petitions

The Board shall establish procedures under which persons may petition the Board for the purpose of evaluating substances for inclusion on the National List.

(o) Confidentiality

Any confidential business information obtained by the Board in carrying out this section shall not be released to the public.

(Pub. L. 101–624, [title XXI, §2119](#), Nov. 28, 1990, 104 Stat. 3947; Pub. L. 102–237, [title X, §1001\(7\)](#), Dec. 13, 1991, 105 Stat. 1893; Pub. L. 115–334, [title X, §10104\(e\)](#), (f), Dec. 20, 2018, 132 Stat. 4901.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (a), is Pub. L. 92–463, [Oct. 6, 1972](#), 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

2018—Subsec. (b)(1). Pub. L. 115–334, §10104(e)(1), inserted ", or employees of such individuals" after "operation".

Subsec. (b)(2). Pub. L. 115–334, §10104(e)(2), inserted ", or employees of such individuals" after "operation".

Subsec. (b)(3). Pub. L. 115–334, §10104(e)(3), inserted ", or an employee of such individual" after "products".

Subsec. (i). Pub. L. 115–334, §10104(f), designated existing provisions as par. (1), inserted heading, substituted "2/3" for "Two-thirds", and added par. (2).

1991—Subsec. (a). Pub. L. 102–237 substituted "to assist" for "(to assist)".

§6519. Recordkeeping, investigations, and enforcement

(a) Recordkeeping

(1) In general

Except as otherwise provided in this chapter, each person who sells, labels, or represents any agricultural product as having been produced or handled using organic methods shall make available to the Secretary or the applicable governing State official, on request by the Secretary or official, all records associated with the agricultural product.

(2) Certified operations

Each producer that operates a certified organic farm or certified organic handling operation under this chapter shall maintain, for a period of not less than 5 years, all records concerning the production or handling of any agricultural product sold or labeled as organically produced under this chapter, including—

(A) a detailed history of substances applied to fields or agricultural products;

(B) the name and address of each person who applied such a substance; and

(C) the date, rate, and method of application of each such substance.

(3) Certifying agents

(A) Maintenance of records

A certifying agent shall maintain all records concerning the activities of the certifying agent under this chapter for a period of not less than 10 years.

(B) Access for Secretary

A certifying agent shall provide to the Secretary and the applicable governing State official (or a representative) access to all records concerning the activities of the certifying agent under this chapter.

(C) Transference of records

If a private person that was certified under this chapter is dissolved or loses accreditation, all records and copies of records concerning the activities of the person under this chapter shall be—

(i) transferred to the Secretary; and

(ii) made available to the applicable governing State official.

(4) Unlawful act

It shall be unlawful and a violation of this chapter for any person covered by this chapter to fail or refuse to provide accurate information (including a delay in the timely delivery of such information) required by the Secretary under this chapter.

(5) Confidentiality

Except as provided in section 6506(a)(9) of this title, or as otherwise directed by the Secretary or the Attorney General for enforcement purposes, no officer, employee, or agent of the United States shall make available to the public any information, statistic, or document obtained from, or made available by, any person under this chapter, other than in a manner that ensures that confidentiality is preserved regarding—

- (A) the identity of all relevant persons (including parties to a contract); and
- (B) proprietary business information.

(b) Investigations

(1) In general

The Secretary may take such investigative actions as the Secretary considers to be necessary—

- (A) to verify the accuracy of any information reported or made available under this chapter; and
- (B) to determine whether a person covered by this chapter has committed a violation of any provision of this chapter, including an order or regulation promulgated by the Secretary pursuant to this chapter.

(2) Specific investigative powers

In carrying out this chapter, the Secretary may—

- (A) administer oaths and affirmations;
- (B) subpoena witnesses;
- (C) compel attendance of witnesses;
- (D) take evidence; and
- (E) require the production of any records required to be maintained under this chapter that are relevant to an investigation.

(3) Information sharing during active investigation

In carrying out this chapter, all parties to an active investigation (including certifying agents, State organic certification programs, and the national organic program) shall share confidential business information with Federal Government officers and employees involved in the investigation as necessary to fully investigate and enforce potential violations of this chapter.

(c) Violations of chapter

(1) Misuse of label

Any person who knowingly sells or labels a product as organic, except in accordance with this chapter, shall be subject to a civil penalty of not more than \$10,000.

(2) False statement

Any person who makes a false statement under this chapter to the Secretary, a governing State official, or a certifying agent shall be punished in accordance with section 1001 of title 18.

(3) Ineligibility

(A) In general

Except as provided in subparagraph (C), any person that carries out an activity described in subparagraph (B), after notice and an opportunity to be heard, shall not be eligible, for the 5-year period beginning on the date of the occurrence, to receive a certification under this chapter with respect to any farm or handling operation in which the person has an interest.

(B) Description of activities

An activity referred to in subparagraph (A) is—

- (i) making a false statement;
- (ii) attempting to have a label indicating that an agricultural product is organically produced affixed to an agricultural product that a person knows, or should have reason to know, to have been produced or handled in a manner that is not in accordance with this chapter; or
- (iii) otherwise violating the purposes of the applicable organic certification program, as determined by the Secretary.

(C) Waiver

Notwithstanding subparagraph (A), the Secretary may modify or waive a period of ineligibility under this paragraph if the Secretary determines that the modification or waiver is in the best interests of the applicable organic certification program established under this chapter.

(4) Reporting of violations

A certifying agent shall immediately report any violation of this chapter to the Secretary or the applicable governing State official.

(5) Violations by certifying agent

A certifying agent that is a private person that violates the provisions of this chapter or falsely or negligently certifies any farming or handling operation that does not meet the terms and conditions of the applicable organic certification program as an organic operation, as determined by the Secretary or the applicable governing State official shall, after notice and an opportunity to be heard—

- (A) lose accreditation as a certifying agent under this chapter; and
- (B) be ineligible to be accredited as a certifying agent under this chapter for a period of not less than 3 years, beginning on the date of the determination.

(6) Effect on other law

Nothing in this chapter alters—

(A) the authority of the Secretary concerning meat, poultry and egg products under—

- (i) the Federal Meat Inspection Act (21 U.S.C. 601 et seq.);
- (ii) the Poultry Products Inspection Act (21 U.S.C. 451 et seq.); or
- (iii) the Egg Products Inspection Act (21 U.S.C. 1031 et seq.);

(B) the authority of the Secretary of Health and Human Services under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or

(C) the authority of the Administrator of the Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).

(Pub. L. 101–624, [title XXI, §2120](#), Nov. 28, 1990, 104 Stat. 3949; Pub. L. 102–237, [title X, §1001\(8\)](#), Dec. 13, 1991, 105 Stat. 1893; Pub. L. 113–79, [title X, §10005\(c\)](#), Feb. 7, 2014, 128 Stat. 944; Pub. L. 115–334, [title X, §10104\(g\)](#), Dec. 20, 2018, 132 Stat. 4901.)

REFERENCES IN TEXT

The Federal Meat Inspection Act, referred to in subsec. (c)(6)(A)(i), is titles I to V of act Mar. 4, 1907, ch. 2907, as added Pub. L. 90–201, [Dec. 15, 1967](#), 81 Stat. 584, and Pub. L. 110–246, [title XI, §11015\(a\), June 18, 2008](#), 122 Stat. 2124, which are classified generally to subchapters I to IV–A (§601 et seq.) of chapter 12 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 601 of Title 21 and Tables.

The Poultry Products Inspection Act, referred to in subsec. (c)(6)(A)(ii), is Pub. L. 85–172, [Aug. 28, 1957](#), 71 Stat. 441, which is classified generally to chapter 10 (§451 et seq.) of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 451 of Title 21 and Tables.

The Egg Products Inspection Act, referred to in subsec. (c)(6)(A)(iii), is Pub. L. 91–597, [Dec. 29, 1970](#), 84 Stat. 1620, which is classified principally to chapter 15 (§1031 et seq.) of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 1031 of Title 21 and Tables.

The Federal Food, Drug, and Cosmetic Act, referred to in subsec. (c)(6)(B), is act [June 25, 1938, ch. 675](#), 52 Stat. 1040, which is classified generally to chapter 9 (§301 et seq.) of Title 21, Food and Drugs. For complete classification of this Act to the Code, see section 301 of Title 21 and Tables.

The Federal Insecticide, Fungicide, and Rodenticide Act, referred to in subsec. (c)(6)(C), is act [June 25, 1947, ch. 125](#), as amended generally by Pub. L. 92–516, [Oct. 21, 1972](#), 86 Stat. 973, which is classified generally to subchapter II (§136 et seq.) of chapter 6 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 136 of this title and Tables.

AMENDMENTS

2018—Subsec. (b)(3). Pub. L. 115–334 added par. (3).

2014—Pub. L. 113–79 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (f) relating to violations under this chapter.

1991—Subsec. (f). Pub. L. 102–237 inserted comma after "601 et seq.)."

§6520. Administrative appeal

(a) Expedited appeals procedure

The Secretary shall establish an expedited administrative appeals procedure under which persons may appeal an action of the Secretary, the applicable governing State official, or a certifying agent under this chapter that—

- (1) adversely affects such person; or
- (2) is inconsistent with the organic certification program established under this chapter.

(b) Appeal of final decision

A final decision of the Secretary under subsection (a) may be appealed to the United States district court for the district in which such person is located.

(Pub. L. 101–624, [title XXI, §2121, Nov. 28, 1990](#), 104 Stat. 3950; Pub. L. 102–237, [title X, §1001\(9\), Dec. 13, 1991](#), 105 Stat. 1894.)

AMENDMENTS

1991—Subsec. (b). Pub. L. 102–237 substituted "district court for the district" for "District Court for the District".

§6521. Administration

(a) Regulations

Not later than 540 days after November 28, 1990, the Secretary shall issue proposed regulations to carry out this chapter.

(b) Assistance to State

(1) Technical and other assistance

The Secretary shall provide technical, administrative, and National Institute of Food and Agriculture assistance to assist States in the implementation of an organic certification program under this chapter.

(2) Financial assistance

The Secretary may provide financial assistance to any State that implements an organic certification program under this chapter.

(c) Access to data documentation systems

The Secretary shall have access to available data from cross-border documentation systems administered by other Federal agencies, including the Automated Commercial Environment system of U.S. Customs and Border Protection.

(d) Reports

(1) In general

Not later than March 1, 2020, and annually thereafter through March 1, 2023, the Secretary shall submit to Congress, and make publicly available on the website of the Department of Agriculture, a report describing national organic program activities with respect to all domestic and overseas investigations and compliance actions taken pursuant to this chapter during the preceding year.

(2) Requirements

The data described in paragraph (1) shall be broken down by agricultural product, quantity, value, and month.

(3) Exception

Any data determined by the Secretary to be confidential business information shall not be provided in the report under paragraph (1).

(Pub. L. 101–624, [title XXI, §2122, Nov. 28, 1990](#), 104 Stat. 3951; Pub. L. 110–234, [title VII, §7511\(c\)\(24\), May 22, 2008](#), 122 Stat. 1269; Pub. L. 110–246, [§4\(a\), title VII, §7511\(c\)\(24\), June 18, 2008](#), 122 Stat. 1664, [2031](#); Pub. L. 115–334, [title X, §10104\(h\), Dec. 20, 2018](#), 132 Stat. 4901.)

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

AMENDMENTS

2018—Subsecs. (c), (d). Pub. L. 115–334 added subsecs. (c) and (d).

2008—Subsec. (b)(1). Pub. L. 110–246, §7511(c)(24), substituted "National Institute of Food and Agriculture" for "Extension Service".

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, except as otherwise provided, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7511(c)(24) of Pub. L. 110–246 effective Oct. 1, 2009, see section 7511(c) of Pub. L. 110–246, set out as a note under section 1522 of this title.

§6521a. Organic agricultural product imports interagency working group

(a) Establishment

(1) In general

The Secretary and the Secretary of Homeland Security shall jointly establish a working group to facilitate coordination and information sharing between the Department of Agriculture and U.S. Customs and Border Protection relating to imports of organically produced agricultural products (referred to in this section as the "working group").

(2) Members

The working group—

(A) shall include—

- (i) the Secretary (or a designee); and
- (ii) the Secretary of Homeland Security (or a designee); and

(B) shall not include any non-Federal officer or employee.

(3) Duties

The working group shall facilitate coordination and information sharing between the Department of Agriculture and U.S. Customs and Border Protection for the purposes of—

- (A) identifying imports of organically produced agricultural products;
- (B) verifying the authenticity of organically produced agricultural product import documentation, such as national organic program import certificates;
- (C) ensuring imported agricultural products represented as organically produced meet the requirements under this chapter;
- (D) collecting and organizing quantitative data on imports of organically produced agricultural products; and
- (E) requesting feedback from stakeholders on how to improve the oversight of imports of organically produced agricultural products.

(4) Designated employees and officials

An employee or official designated to carry out the duties of the Secretary or the Secretary of Homeland Security on the working group under subparagraph (A) or (B) of paragraph (2) shall be an employee or official compensated at a rate of pay not less than the minimum annual rate of basic pay for GS–12 under section 5332 of title 5.

(b) Reports

On an annual basis, the working group shall submit to Congress and make publicly available on the websites of the Department of Agriculture and U.S. Customs and Border Protection the following reports:

(1) Organic trade enforcement interagency coordination report

A report—

(A) identifying existing barriers to cooperation between the agencies involved in agricultural product import inspection, trade data collection and organization, and organically produced agricultural product trade enforcement, including—

- (i) U.S. Customs and Border Protection;
- (ii) the Agricultural Marketing Service; and
- (iii) the Animal and Plant Health Inspection Service;

(B) assessing progress toward integrating organic trade enforcement into import inspection procedures of U.S. Customs and Border Protection and the Animal and Plant Health Inspection Service, including an assessment of—

- (i) the status of the development of systems for—
 - (I) tracking the fumigation of imports of organically produced agricultural products into the United States; and
 - (II) electronically verifying national organic program import certificate authenticity; and

(ii) training of U.S. Customs and Border Protection personnel on—

- (I) the use of the systems described in clause (i); and
- (II) requirements and protocols under this chapter;

(C) establishing methodology for ensuring imports of agricultural products represented as organically produced meet the requirements under this chapter;

(D) recommending steps to improve the documentation and traceability of imported organically produced agricultural products;

(E) recommending and describing steps for—

- (i) improving compliance with the requirements of this chapter for all agricultural products imported into the United States and represented as organically produced; and
- (ii) ensuring accurate labeling and marketing of imported agricultural products represented as organically produced by the exporter; and

(F) describing staffing needs and additional resources at U.S. Customs and Border Protection and the Department of Agriculture needed to ensure compliance.

(2) Report on enforcement actions taken on organic imports

A report—

(A) providing detailed quantitative data (broken down by agricultural product, quantity, value, month, and origin) on imports of agricultural products represented as organically produced found to be fraudulent or lacking any documentation required under this chapter at the port of entry during the report year;

(B) providing data on domestic enforcement actions taken on imported agricultural products represented as organically produced, including the number and type of actions taken by United States officials at ports of entry in response to violations of this chapter;

(C) providing data on fumigation of agricultural products represented as organically produced at ports of entry and notifications of fumigation actions to shipment owners, broken down by product variety and country of origin; and

(D) providing information on enforcement activities under this chapter involving overseas investigations and compliance actions taken within that year, including—

(i) the number of investigations by country; and

(ii) a descriptive summary of compliance actions taken by certifying agents in each country.

(Pub. L. 101–624, title XXI, §2122A, as added Pub. L. 115–334, [title X, §10104\(i\)](#), [Dec. 20, 2018](#), 132 Stat. 4902.)

TRADE SAVINGS PROVISION

Pub. L. 115–334, [title X, §10104\(k\)](#), [Dec. 20, 2018](#), 132 Stat. 4905, provided that: "The amendments made by subsection (i) [enacting this section] shall be carried out in a manner consistent with United States obligations under international agreements."

§6522. Funding

(a) In general

There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this chapter.

(b) National organic program

Notwithstanding any other provision of law, in order to carry out activities under the national organic program established under this chapter, there are authorized to be appropriated—

(1) \$15,000,000 for fiscal year 2018;

(2) \$16,500,000 for fiscal year 2019;

(3) \$18,000,000 for fiscal year 2020;

(4) \$20,000,000 for fiscal year 2021;

(5) \$22,000,000 for fiscal year 2022; and

(6) \$24,000,000 for fiscal year 2023.

(c) Modernization and improvement of international trade technology systems and data collection

(1) In general

The Secretary shall establish a new system or modify an existing data collection and organization system to collect and organize in a single system quantitative data on imports of each organically produced agricultural product accepted into the United States.

(2) Activities

In carrying out paragraph (1), the Secretary shall modernize trade and transaction certificates to ensure full traceability to the port of entry without unduly hindering trade or commerce, such as through an electronic trade document exchange system.

(3) Access

The single system established under paragraph (1) shall be accessible by any agency with the direct authority to engage in—

(A) inspection of imports of agricultural products;

(B) trade data collection and organization; or

(C) enforcement of trade requirements for organically produced agricultural products.

(4) Funding

Of the funds of the Commodity Credit Corporation, the Secretary shall make available \$5,000,000 for fiscal year 2019 for the purposes of—

(A) carrying out this subsection; and

(B) maintaining the database and technology upgrades previously carried out under this subsection, as in effect on the day before December 20, 2018.

(5) Availability

The amounts made available under paragraph (4) are in addition to any other funds made available for the purposes described in that paragraph and shall remain available until expended.

(Pub. L. 101–624, [title XXI, §2123](#), [Nov. 28, 1990](#), 104 Stat. 3951; Pub. L. 110–234, [title X, §10303](#), [May 22, 2008](#), 122 Stat. 1347; Pub. L. 110–246, [§4\(a\)](#), [title X, §10303](#), [June 18, 2008](#), 122 Stat. 1664, 2109; Pub. L. 113–79, [title X, §10004\(b\)](#), [Feb. 7, 2014](#), 128 Stat. 942; Pub. L. 115–334, [title X, §10104\(j\)](#), [Dec. 20, 2018](#), 132 Stat. 4904.)

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

AMENDMENTS

2018—Pub. L. 115–334, [§10104\(j\)\(1\)](#), substituted "Funding" for "Authorization of appropriations" in section catchline.

Subsec. (b)(1) to (7). Pub. L. 115–334, [§10104\(j\)\(2\)](#), added pars. (1) to (6) and struck out former pars. (1) to (7) which related to amounts for fiscal years 2008 to 2018 and additional sums necessary for fiscal year 2009 and each fiscal year thereafter.

Subsec. (c). Pub. L. 115–334, [§10104\(j\)\(3\)](#), added subsec. (c) and struck out former subsec. (c) which related to modernization and technology upgrade for national organic program.

2014—Subsec. (b)(6), (7). Pub. L. 113–79, [§10004\(b\)\(1\)](#), added par. (6) and redesignated former par. (6) as (7).

Subsec. (c). Pub. L. 113–79, [§10004\(b\)\(2\)](#), added subsec. (c).

2008—Pub. L. 110–246, §10303, designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of this title.

§6523. National organic certification cost-share program

(a) In general

The Secretary of Agriculture shall establish a national organic certification cost-share program to assist producers and handlers of agricultural products in obtaining certification under the national organic production program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).

(b) Federal share

(1) In general

Subject to paragraph (2), the Secretary shall pay under this section not more than 75 percent of the costs incurred by a producer or handler in obtaining certification under the national organic production program, as certified to and approved by the Secretary.

(2) Maximum amount

The maximum amount of a payment made to a producer or handler under this section shall be \$750.

(c) Reporting

Not later than March 1 of each year, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the requests by, disbursements to, and expenditures for each State under the program during the current and previous fiscal year, including the number of producers and handlers served by the program in the previous fiscal year.

(d) Mandatory funding

(1) In general

Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section—

(A) \$2,000,000 for each of fiscal years 2019 and 2020;

(B) \$4,000,000 for fiscal year 2021; and

(C) \$8,000,000 for each of fiscal years 2022 and 2023.

(2) Availability

Amounts made available under paragraph (1) shall remain available until expended.

(Pub. L. 107–171, title X, §10606, May 13, 2002, 116 Stat. 514; Pub. L. 110–234, title X, §10301, May 22, 2008, 122 Stat. 1346; Pub. L. 110–246, §4(a), title X, §10301, June 18, 2008, 122 Stat. 1664, 2108; Pub. L. 112–240, title VII, §701(g)(3), Jan. 2, 2013, 126 Stat. 2366; Pub. L. 113–79, title X, §10004(c), Feb. 7, 2014, 128 Stat. 942; Pub. L. 115–334, title X, §10105, Dec. 20, 2018, 132 Stat. 4905.)

REFERENCES IN TEXT

The Organic Foods Production Act of 1990, referred to in subsec. (a), is title XXI of Pub. L. 101–624, Nov. 28, 1990, 104 Stat. 3935, as amended, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 6501 of this title and Tables.

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

Section was enacted as part of the Farm Security and Rural Investment Act of 2002, and not as part of the Organic Foods Production Act of 1990 which comprises this chapter.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–334, §10105(a), struck out "(acting through the Agricultural Marketing Service)" after "Secretary of Agriculture".

Subsec. (d). Pub. L. 115–334, §10105(b), added subsec. (d) and struck out former subsec. (d) which related to funding to carry out this section for fiscal years 2013 to 2018.

2014—Subsec. (d)(1). Pub. L. 113–79 added par. (1) and struck out former par. (1). Prior to amendment, text read as follows: "Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section \$22,000,000 for the period of fiscal years 2008 through 2012."

2013—Subsec. (a). Pub. L. 112–240, §701(g)(3)(A), substituted "The Secretary of Agriculture (acting through the Agricultural Marketing Service) shall" for "Of funds of the Commodity Credit Corporation, the Secretary of Agriculture (acting through the Agricultural Marketing Service) shall use \$22,000,000 for fiscal year 2008, to remain available until expended, to".

Subsec. (d). Pub. L. 112–240, §701(g)(3)(B), added subsec. (d).

2008—Subsec. (a). Pub. L. 110–246, §10301(1), substituted "\$22,000,000 for fiscal year 2008" for "\$5,000,000 for fiscal year 2002".

Subsec. (b)(2). Pub. L. 110–246, §10301(2), substituted "\$750" for "\$500".

Subsec. (c). Pub. L. 110–246, §10301(3), added subsec. (c).

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 112–240 effective Sept. 30, 2012, see section 701(j) of Pub. L. 112–240, set out in a 1-Year Extension of Agricultural Programs note under section 8701 of this title.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of this title.

title.

§6524. Organically produced food

In the case of a food certified under the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.), the certification shall be considered sufficient to make a claim regarding the absence of bioengineering in the food, such as "not bioengineered", "non-GMO", or another similar claim.

(Pub. L. 114–216, [§2](#), [July 29, 2016](#), 130 Stat. 838.)

REFERENCES IN TEXT

The Organic Foods Production Act of 1990, referred to in text, is title XXI of Pub. L. 101–624, [Nov. 28, 1990](#), 104 Stat. 3935, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 6501 of this title and Tables.

CODIFICATION

Section was enacted as part of Pub. L. 114–216, and not as part of the Organic Foods Production Act of 1990 which comprises this chapter.