

lished 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) of this section 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) of this section (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.)

AMENDMENTS

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) of this section 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 fer-