

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

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.

(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) 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.

(14) Organically produced

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

(15) Person

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

(16) 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.).

(17) 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.

(18) Producer

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

(19) Secretary

The term “Secretary” means the Secretary of Agriculture.

(20) 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.

(21) 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.)

REFERENCES IN TEXT

The Federal Insecticide, Fungicide, and Rodenticide Act, referred to in par. (16), 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.

§ 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.)

§ 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