

(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 “post-harvest” 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 deter-

mines 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.