

retary, have been fluid milk processors on whether to suspend or terminate the order, and shall hold such a referendum on request of the Board or any group of such processors that among them marketed during a representative period, as determined by the Secretary, 10 percent or more of the volume of fluid milk products marketed by fluid milk processors voting in the preceding referendum.

**(2) Suspension or termination**

If the Secretary determines that the suspension or termination is favored—

(A) by at least 50 percent of fluid milk processors voting in the referendum; and

(B) by fluid milk processors voting in the referendum that marketed during a representative period, as determined by the Secretary, 40 percent or more of the volume of fluid milk products marketed by fluid milk processors voting in the referendum;

the Secretary shall, within 6 months after making the determination, suspend or terminate, as appropriate, collection of assessments under the order, and suspend or terminate, as appropriate, activities under the order in an orderly manner as soon as practicable.

**(3) Costs; manner**

Subsections (c) and (d) of section 6413 of this title shall apply to a referendum conducted under this subsection.

(Pub. L. 101-624, title XIX, §1999O, Nov. 28, 1990, 104 Stat. 3925; Pub. L. 104-127, title I, §146(d)(2), (e), Apr. 4, 1996, 110 Stat. 919; Pub. L. 107-171, title I, §1506(c), May 13, 2002, 116 Stat. 210.)

**Editorial Notes**

**AMENDMENTS**

2002—Pub. L. 107-171 redesignated subsecs. (b) and (c) as (a) and (b), respectively, and struck out heading and text of former subsec. (a). Text read as follows: “Any order effective under this chapter shall be terminated December 31, 2002. The Secretary shall—

“(1) terminate the collection of assessments under the order upon such date; and

“(2) terminate activities under the order in an orderly manner as soon as practicable after such date.”

1996—Subsec. (a). Pub. L. 104-127, §146(e), substituted “2002” for “1996” in introductory provisions.

Subsec. (c)(1). Pub. L. 104-127, §146(d)(2)(A), substituted “fluid milk processors voting in the preceding referendum” for “all processors”.

Subsec. (c)(2)(B). Pub. L. 104-127, §146(d)(2)(B), substituted “fluid milk processors voting in the referendum;” for “all processors;”.

**§ 6415. Amendments**

**(a) Amendments to order**

Subject to subsection (b), the Secretary may issue such amendments to an order as may be necessary to carry out this chapter.

**(b) Amendment to assessment rates**

**(1) In general**

The Secretary may conduct at any time a referendum of persons who, during a representative period as determined by the Secretary, have been fluid milk processors on adjusting the assessment rate under the order issued under this chapter then in effect, and

shall hold such a referendum on request of the Board or any group of such processors that among them marketed during a representative period, as determined by the Secretary, 10 percent or more of the volume of fluid milk products marketed by all processors.

**(2) Adjustment to assessment rate**

The Secretary shall adjust the assessment rate under the order whenever the Secretary determines that the adjustment is favored—

(A) by at least 50 percent of fluid milk processors voting in the referendum; and

(B) by fluid milk processors that marketed during a representative period, as determined by the Secretary, 60 percent or more of the volume of fluid milk products marketed by all processors;

In no event shall the rate of assessment prescribed by the order exceed 20 cents per hundredweight.

**(3) Effective date**

The adjusted assessment rate shall be effective on a date, as determined by the Secretary, after the results of the referendum are known, but not later than 30 days after the referendum.

**(4) Costs; manner**

Subsections (c) and (d) of section 6413 of this title shall apply to a referendum conducted under this subsection.

(Pub. L. 101-624, title XIX, §1999P, Nov. 28, 1990, 104 Stat. 3926.)

**§ 6416. Independent evaluation of programs**

**(a) Review and evaluation**

The Comptroller General of the United States shall review and evaluate the order to—

(1) determine the effectiveness of the promotion program conducted under this chapter on fluid milk sales;

(2) determine if the assessments for the program have been passed back to milk producers by fluid milk processors; and

(3) make recommendations for future funding and assessment levels for the program.

**(b) Report to Congress**

The Comptroller General shall submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the valuations made under this section no later than January 1, 1995.

(Pub. L. 101-624, title XIX, §1999Q, Nov. 28, 1990, 104 Stat. 3926.)

**§ 6417. Authorization of appropriations**

**(a) In general**

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

**(b) Administrative expenses**

The funds so appropriated shall not be available for payment of the expenses or expenditures of the Board in administering any provision of any order issued under this chapter.

(Pub. L. 101-624, title XIX, §1999R, Nov. 28, 1990, 104 Stat. 3926.)

## CHAPTER 94—ORGANIC CERTIFICATION

Sec.	
6501.	Purposes.
6502.	Definitions.
6503.	National organic production program.
6504.	National standards for organic production.
6505.	Compliance requirements.
6506.	General requirements.
6507.	State organic certification program.
6508.	Prohibited crop production practices and materials.
6509.	Animal production practices and materials.
6510.	Handling.
6511.	Additional guidelines.
6512.	Other production and handling practices.
6513.	Organic plan.
6514.	Accreditation program.
6515.	Requirements of certifying agents.
6516.	Peer review of certifying agents.
6517.	National List.
6518.	National Organic Standards Board.
6519.	Recordkeeping, investigations, and enforcement.
6520.	Administrative appeal.
6521.	Administration.
6521a.	Organic agricultural product imports inter-agency working group.
6522.	Funding.
6523.	National organic certification cost-share program.
6524.	Organically produced food.

### § 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.)

### Statutory Notes and Related Subsidiaries

#### 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