

§ 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.)

Editorial Notes**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 track-

ing 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.)

Editorial Notes

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