

(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

confidentiality with respect to its clients under the applicable organic certification program and may not disclose to third parties (with the exception of the Secretary or the applicable governing State official) any business related information concerning such client obtained while implementing this chapter.

**(g) Conflict of interest**

Any certifying agent shall not—

(1) carry out any inspections of any operation in which such certifying agent, or employee of such certifying agent has, or has had, a commercial interest, including the provision of consultancy services;

(2) accept payment, gifts, or favors of any kind from the business inspected other than prescribed fees; or

(3) provide advice concerning organic practices or techniques for a fee, other than fees established under such program.

**(h) Administrator**

A certifying agent that is a private person shall nominate the individual who controls the day-to-day operation of the agent.

**(i) Loss of accreditation**

**(1) Noncompliance**

If the Secretary or the governing State official (if applicable) determines that a certifying agent or an entity acting as an agent of the certifying agent is not properly adhering to the provisions of this chapter, the Secretary or such governing State official may suspend such certifying agent's accreditation.

**(2) Oversight of certifying offices and foreign operations**

**(A) In general**

If the Secretary determines that an office of a certifying agent or entity described in paragraph (1) is not complying with the provisions of this chapter, the Secretary may suspend the operations of the certifying agent or the noncompliant office, including—

(i) an office operating in a foreign country; and

(ii) an office operating in the United States, including an office acting on behalf of a foreign-domiciled entity.

**(B) Process for resuming operations following suspension**

The Secretary shall provide for a process that is otherwise consistent with this section that authorizes a suspended office to resume operations.

**(3) Effect on certified operations**

If the accreditation of a certifying agent is suspended under paragraph (1), the Secretary or the governing State official (if applicable) shall promptly determine whether farming or handling operations certified by such certifying agent may retain their organic certification.

**(j) Notice**

Not later than 90 days after the date on which a new certifying office performing certification activities opens, an accredited certifying agent shall notify the Secretary of the opening.

(Pub. L. 101-624, title XXI, §2116, Nov. 28, 1990, 104 Stat. 3944; Pub. L. 102-237, title X, §1001(5), Dec. 13, 1991, 105 Stat. 1893; Pub. L. 113-79, title X, §10005(b)(1), Feb. 7, 2014, 128 Stat. 944; Pub. L. 115-334, title X, §10104(d), Dec. 20, 2018, 132 Stat. 4900.)

**Editorial Notes**

AMENDMENTS

2018—Subsec. (i)(1). Pub. L. 115-334, §10104(d)(1)(A), inserted “or an entity acting as an agent of the certifying agent” after “a certifying agent”.

Subsec. (i)(2), (3). Pub. L. 115-334, §10104(d)(1)(B), (C), added par. (2) and redesignated former par. (2) as (3).

Subsec. (j). Pub. L. 115-334, §10104(d)(2), added subsec. (j).

2014—Subsecs. (c) to (j). Pub. L. 113-79 redesignated subsecs. (d) to (j) as (c) to (i), respectively, substituted “subsection (c)” for “subsection (d)” in introductory provisions of subsec. (d), and struck out former subsec. (c) which related to maintenance of, access to, and transference of records of certifying agents.

1991—Subsec. (j)(2). Pub. L. 102-237 substituted “such certifying” for “certifying such”.

**§ 6516. Peer review of certifying agents**

**(a) Peer review**

In determining whether to approve an application for accreditation submitted under section 6514 of this title, the Secretary shall consider a report concerning such applicant that shall be prepared by a peer review panel established under subsection (b).

**(b) Peer review panel**

To assist the Secretary in evaluating applications under section 6514 of this title, the Secretary may establish a panel of not less than three persons who have expertise in organic farming and handling methods, to evaluate the State governing official or private person that is seeking accreditation as a certifying agent under such section. Not less than two members of such panel shall be persons who are not employees of the Department of Agriculture or of the applicable State government.

(Pub. L. 101-624, title XXI, §2117, Nov. 28, 1990, 104 Stat. 3945.)

**§ 6517. National List**

**(a) In general**

The Secretary shall establish a National List of approved and prohibited substances that shall be included in the standards for organic production and handling established under this chapter in order for such products to be sold or labeled as organically produced under this chapter.

**(b) Content of list**

The list established under subsection (a) shall contain an itemization, by specific use or application, of each synthetic substance permitted under subsection (c)(1) or each natural substance prohibited under subsection (c)(2).

**(c) Guidelines for prohibitions or exemptions**

**(1) Exemption for prohibited substances in organic production and handling operations**

The National List may provide for the use of substances in an organic farming or handling operation that are otherwise prohibited under this chapter only if—