

2907, as added Pub. L. 90-201, Dec. 15, 1967, 81 Stat. 584, and Pub. L. 110-246, title XI, § 11015(a), June 18, 2008, 122 Stat. 2124, which are classified generally to subchapters I to IV-A (§601 et seq.) of chapter 12 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 601 of Title 21 and Tables.

The Poultry Products Inspection Act, referred to in subsec. (c)(6)(A)(ii), is Pub. L. 85-172, Aug. 28, 1957, 71 Stat. 441, which is classified generally to chapter 10 (§ 451 et seq.) of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 451 of Title 21 and Tables.

The Egg Products Inspection Act, referred to in subsec. (c)(6)(A)(iii), is Pub. L. 91-597, Dec. 29, 1970, 84 Stat. 1620, which is classified principally to chapter 15 (§ 1031 et seq.) of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 1031 of Title 21 and Tables.

The Federal Food, Drug, and Cosmetic Act, referred to in subsec. (c)(6)(B), is act June 25, 1938, ch. 675, 52 Stat. 1040, which is classified generally to chapter 9 (§ 301 et seq.) of Title 21, Food and Drugs. For complete classification of this Act to the Code, see section 301 of Title 21 and Tables.

The Federal Insecticide, Fungicide, and Rodenticide Act, referred to in subsec. (c)(6)(C), 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.

AMENDMENTS

2018—Subsec. (b)(3). Pub. L. 115-334 added par. (3).

2014—Pub. L. 113-79 amended section generally. Prior to amendment, section consisted of subssecs. (a) to (f) relating to violations under this chapter.

1991—Subsec. (f). Pub. L. 102-237 inserted comma after “601 et seq.”.

§ 6520. Administrative appeal

(a) Expedited appeals procedure

The Secretary shall establish an expedited administrative appeals procedure under which persons may appeal an action of the Secretary, the applicable governing State official, or a certifying agent under this chapter that—

- (1) adversely affects such person; or
- (2) is inconsistent with the organic certification program established under this chapter.

(b) Appeal of final decision

A final decision of the Secretary under subsection (a) may be appealed to the United States district court for the district in which such person is located.

(Pub. L. 101-624, title XXI, § 2121, Nov. 28, 1990, 104 Stat. 3950; Pub. L. 102-237, title X, § 1001(9), Dec. 13, 1991, 105 Stat. 1894.)

Editorial Notes

AMENDMENTS

1991—Subsec. (b). Pub. L. 102-237 substituted “district court for the district” for “District Court for the District”.

§ 6521. Administration

(a) Regulations

Not later than 540 days after November 28, 1990, the Secretary shall issue proposed regulations to carry out this chapter.

(b) Assistance to State

(1) Technical and other assistance

The Secretary shall provide technical, administrative, and National Institute of Food and Agriculture assistance to assist States in the implementation of an organic certification program under this chapter.

(2) Financial assistance

The Secretary may provide financial assistance to any State that implements an organic certification program under this chapter.

(c) Access to data documentation systems

The Secretary shall have access to available data from cross-border documentation systems administered by other Federal agencies, including the Automated Commercial Environment system of U.S. Customs and Border Protection.

(d) Reports

(1) In general

Not later than March 1, 2020, and annually thereafter through March 1, 2023, the Secretary shall submit to Congress, and make publicly available on the website of the Department of Agriculture, a report describing national organic program activities with respect to all domestic and overseas investigations and compliance actions taken pursuant to this chapter during the preceding year.

(2) Requirements

The data described in paragraph (1) shall be broken down by agricultural product, quantity, value, and month.

(3) Exception

Any data determined by the Secretary to be confidential business information shall not be provided in the report under paragraph (1).

(Pub. L. 101-624, title XXI, § 2122, Nov. 28, 1990, 104 Stat. 3951; Pub. L. 110-234, title VII, § 7511(c)(24), May 22, 2008, 122 Stat. 1269; Pub. L. 110-246, § 4(a), title VII, § 7511(c)(24), June 18, 2008, 122 Stat. 1664, 2031; Pub. L. 115-334, title X, § 10104(h), Dec. 20, 2018, 132 Stat. 4901.)

Editorial Notes

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2018—Subsecs. (c), (d). Pub. L. 115-334 added subssecs. (c) and (d).

2008—Subsec. (b)(1). Pub. L. 110-246, § 7511(c)(24), substituted “National Institute of Food and Agriculture” for “Extension Service”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7511(c)(24) of Pub. L. 110-246 effective Oct. 1, 2009, see section 7511(c) of Pub. L. 110-246, set out as a note under section 1522 of this title.

§ 6521a. Organic agricultural product imports interagency working group

(a) Establishment

(1) In general

The Secretary and the Secretary of Homeland Security shall jointly establish a working group to facilitate coordination and information sharing between the Department of Agriculture and U.S. Customs and Border Protection relating to imports of organically produced agricultural products (referred to in this section as the “working group”).

(2) Members

The working group—

(A) shall include—

- (i) the Secretary (or a designee); and
- (ii) the Secretary of Homeland Security (or a designee); and

(B) shall not include any non-Federal officer or employee.

(3) Duties

The working group shall facilitate coordination and information sharing between the Department of Agriculture and U.S. Customs and Border Protection for the purposes of—

(A) identifying imports of organically produced agricultural products;

(B) verifying the authenticity of organically produced agricultural product import documentation, such as national organic program import certificates;

(C) ensuring imported agricultural products represented as organically produced meet the requirements under this chapter;

(D) collecting and organizing quantitative data on imports of organically produced agricultural products; and

(E) requesting feedback from stakeholders on how to improve the oversight of imports of organically produced agricultural products.

(4) Designated employees and officials

An employee or official designated to carry out the duties of the Secretary or the Secretary of Homeland Security on the working group under subparagraph (A) or (B) of paragraph (2) shall be an employee or official compensated at a rate of pay not less than the minimum annual rate of basic pay for GS-12 under section 5332 of title 5.

(b) Reports

On an annual basis, the working group shall submit to Congress and make publicly available on the websites of the Department of Agriculture and U.S. Customs and Border Protection the following reports:

(1) Organic trade enforcement interagency coordination report

A report—

(A) identifying existing barriers to cooperation between the agencies involved in agricultural product import inspection, trade data collection and organization, and organically produced agricultural product trade enforcement, including—

- (i) U.S. Customs and Border Protection;

(ii) the Agricultural Marketing Service; and

(iii) the Animal and Plant Health Inspection Service;

(B) assessing progress toward integrating organic trade enforcement into import inspection procedures of U.S. Customs and Border Protection and the Animal and Plant Health Inspection Service, including an assessment of—

(i) the status of the development of systems for—

(I) tracking the fumigation of imports of organically produced agricultural products into the United States; and

(II) electronically verifying national organic program import certificate authenticity; and

(ii) training of U.S. Customs and Border Protection personnel on—

(I) the use of the systems described in clause (i); and

(II) requirements and protocols under this chapter;

(C) establishing methodology for ensuring imports of agricultural products represented as organically produced meet the requirements under this chapter;

(D) recommending steps to improve the documentation and traceability of imported organically produced agricultural products;

(E) recommending and describing steps for—

(i) improving compliance with the requirements of this chapter for all agricultural products imported into the United States and represented as organically produced; and

(ii) ensuring accurate labeling and marketing of imported agricultural products represented as organically produced by the exporter; and

(F) describing staffing needs and additional resources at U.S. Customs and Border Protection and the Department of Agriculture needed to ensure compliance.

(2) Report on enforcement actions taken on organic imports

A report—

(A) providing detailed quantitative data (broken down by agricultural product, quantity, value, month, and origin) on imports of agricultural products represented as organically produced found to be fraudulent or lacking any documentation required under this chapter at the port of entry during the report year;

(B) providing data on domestic enforcement actions taken on imported agricultural products represented as organically produced, including the number and type of actions taken by United States officials at ports of entry in response to violations of this chapter;

(C) providing data on fumigation of agricultural products represented as organically produced at ports of entry and notifications of fumigation actions to shipment owners, broken down by product variety and country of origin; and