

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

(B) processes, packages, or stores such products.

(11) Livestock

The term “livestock” means any cattle, sheep, goats, swine, poultry, equine animals used for food or in the production of food, fish used for food, wild or domesticated game, or other nonplant life.

(12) National List

The term “National List” means a list of approved and prohibited substances as provided for in section 6517 of this title.

(13) Organic plan

The term “organic plan” means a plan of management of an organic farming or handling operation that has been agreed to by the producer or handler and the certifying agent and that includes written plans concerning all aspects of agricultural production or handling described in this chapter including crop rotation and other practices as required under this chapter.

(14) Organically produced

The term “organically produced” means an agricultural product that is produced and handled in accordance with this chapter.

(15) Person

The term “person” means an individual, group of individuals, corporation, association, organization, cooperative, or other entity.

(16) Pesticide

The term “pesticide” means any substance which alone, in chemical combination, or in any formulation with one or more substances, is defined as a pesticide in the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).

(17) Processing

The term “processing” means cooking, baking, heating, drying, mixing, grinding, churning, separating, extracting, cutting, fermenting, eviscerating, preserving, dehydrating, freezing, or otherwise manufacturing, and includes the packaging, canning, jarring, or otherwise enclosing food in a container.

(18) Producer

The term “producer” means a person who engages in the business of growing or producing food or feed.

(19) Secretary

The term “Secretary” means the Secretary of Agriculture.

(20) State organic certification program

The term “State organic certification program” means a program that meets the re-

quirements of section 6506 of this title, is approved by the Secretary, and that is designed to ensure that a product that is sold or labeled as “organically produced” under this chapter is produced and handled using organic methods.

(21) Synthetic

The term “synthetic” means a substance that is formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources, except that such term shall not apply to substances created by naturally occurring biological processes.

(Pub. L. 101-624, title XXI, §2103, Nov. 28, 1990, 104 Stat. 3935.)

REFERENCES IN TEXT

The Federal Insecticide, Fungicide, and Rodenticide Act, referred to in par. (16), 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 7401 of this title.

§ 6503. National organic production program

(a) In general

The Secretary shall establish an organic certification program for producers and handlers of agricultural products that have been produced using organic methods as provided for in this chapter.

(b) State program

In establishing the program under subsection (a) of this section, the Secretary shall permit each State to implement a State organic certification program for producers and handlers of agricultural products that have been produced using organic methods as provided for in this chapter.

(c) Consultation

In developing the program under subsection (a) of this section, and the National List under section 6517 of this title, the Secretary shall consult with the National Organic Standards Board established under section 6518 of this title.

(d) Certification

The Secretary shall implement the program established under subsection (a) of this section through certifying agents. Such certifying agents may certify a farm or handling operation that meets the requirements of this chapter and the requirements of the organic certification program of the State (if applicable) as an organically certified farm or handling operation.

(Pub. L. 101-624, title XXI, §2104, Nov. 28, 1990, 104 Stat. 3937.)

§ 6504. National standards for organic production

To be sold or labeled as an organically produced agricultural product under this chapter, an agricultural product shall—

(1) have been produced and handled without the use of synthetic chemicals, except as otherwise provided in this chapter;

(2) except as otherwise provided in this chapter and excluding livestock, not be produced on land to which any prohibited substances, including synthetic chemicals, have been applied during the 3 years immediately preceding the harvest of the agricultural products; and

(3) be produced and handled in compliance with an organic plan agreed to by the producer and handler of such product and the certifying agent.

(Pub. L. 101-624, title XXI, §2105, Nov. 28, 1990, 104 Stat. 3937; Pub. L. 102-237, title X, §1001(1), Dec. 13, 1991, 105 Stat. 1893.)

AMENDMENTS

1991—Par. (2). Pub. L. 102-237 substituted “; and” for period at end.

§ 6505. Compliance requirements

(a) Domestic products

(1) In general

On or after October 1, 1993—

(A) a person may sell or label an agricultural product as organically produced only if such product is produced and handled in accordance with this chapter; and

(B) no person may affix a label to, or provide other market information concerning, an agricultural product if such label or information implies, directly or indirectly, that such product is produced and handled using organic methods, except in accordance with this chapter.

(2) USDA standards and seal

A label affixed, or other market information provided, in accordance with paragraph (1) may indicate that the agricultural product meets Department of Agriculture standards for organic production and may incorporate the Department of Agriculture seal.

(b) Imported products

Imported agricultural products may be sold or labeled as organically produced if the Secretary determines that such products have been produced and handled under an organic certification program that provides safeguards and guidelines governing the production and handling of such products that are at least equivalent to the requirements of this chapter.

(c) Exemptions for processed food

Subsection (a) of this section shall not apply to agricultural products that—

(1) contain at least 50 percent organically produced ingredients by weight, excluding water and salt, to the extent that the Secretary, in consultation with the National Organic Standards Board and the Secretary of Health and Human Services, has determined to permit the word “organic” to be used on the principal display panel of such products only for the purpose of describing the organically produced ingredients; or

(2) contain less than 50 percent organically produced ingredients by weight, excluding

water and salt, to the extent that the Secretary, in consultation with the National Organic Standards Board and the Secretary of Health and Human Services, has determined to permit the word “organic” to appear on the ingredient listing panel to describe those ingredients that are organically produced in accordance with this chapter.

(d) Small farmer exemption

Subsection (a)(1) of this section shall not apply to persons who sell no more than \$5,000 annually in value of agricultural products.

(Pub. L. 101-624, title XXI, §2106, Nov. 28, 1990, 104 Stat. 3937.)

§ 6506. General requirements

(a) In general

A program established under this chapter shall—

(1) provide that an agricultural product to be sold or labeled as organically produced must—

(A) be produced only on certified organic farms and handled only through certified organic handling operations in accordance with this chapter; and

(B) be produced and handled in accordance with such program;

(2) require that producers and handlers desiring to participate under such program establish an organic plan under section 6513 of this title;

(3) provide for procedures that allow producers and handlers to appeal an adverse administrative determination under this chapter;

(4) require each certified organic farm or each certified organic handling operation to certify to the Secretary, the governing State official (if applicable), and the certifying agent on an annual basis, that such farm or handler has not produced or handled any agricultural product sold or labeled as organically produced except in accordance with this chapter;

(5) provide for annual on-site inspection by the certifying agent of each farm and handling operation that has been certified under this chapter;

(6) require periodic residue testing by certifying agents of agricultural products that have been produced on certified organic farms and handled through certified organic handling operations to determine whether such products contain any pesticide or other non-organic residue or natural toxicants and to require certifying agents, to the extent that such agents are aware of a violation of applicable laws relating to food safety, to report such violation to the appropriate health agencies;

(7) provide for appropriate and adequate enforcement procedures, as determined by the Secretary to be necessary and consistent with this chapter;

(8) protect against conflict-of-interest as specified under section 6515(h) of this title;

(9) provide for public access to certification documents and laboratory analyses that pertain to certification;

(10) provide for the collection of reasonable fees from producers, certifying agents and handlers who participate in such program; and