

(3) Time for determination

The Secretary shall make a determination concerning any plan, proposed change to a program, or a review of a program not later than 6 months after receipt of such plan, such proposed change, or the initiation of such review.

(Pub. L. 101-624, title XXI, §2108, Nov. 28, 1990, 104 Stat. 3939.)

§ 6508. Prohibited crop production practices and materials**(a) Seed, seedlings and planting practices**

For a farm to be certified under this chapter, producers on such farm shall not apply materials to, or engage in practices on, seeds or seedlings that are contrary to, or inconsistent with, the applicable organic certification program.

(b) Soil amendments

For a farm to be certified under this chapter, producers on such farm shall not—

(1) use any fertilizers containing synthetic ingredients or any commercially blended fertilizers containing materials prohibited under this chapter or under the applicable State organic certification program; or

(2) use as a source of nitrogen: phosphorous, lime, potash, or any materials that are inconsistent with the applicable organic certification program.

(c) Crop management

For a farm to be certified under this chapter, producers on such farm shall not—

(1) use natural poisons such as arsenic or lead salts that have long-term effects and persist in the environment, as determined by the applicable governing State official or the Secretary;

(2) use plastic mulches, unless such mulches are removed at the end of each growing or harvest season; or

(3) use transplants that are treated with any synthetic or prohibited material.

(Pub. L. 101-624, title XXI, §2109, Nov. 28, 1990, 104 Stat. 3940.)

§ 6509. Animal production practices and materials**(a) In general**

Any livestock that is to be slaughtered and sold or labeled as organically produced shall be raised in accordance with this chapter.

(b) Breeder stock

Breeder stock may be purchased from any source if such stock is not in the last third of gestation.

(c) Practices

For a farm to be certified under this chapter as an organic farm with respect to the livestock produced by such farm, producers on such farm—

(1) shall feed such livestock organically produced feed that meets the requirements of this chapter;

(2) shall not use the following feed—

(A) plastic pellets for roughage;

(B) manure refeeding; or

(C) feed formulas containing urea; and

(3) shall not use growth promoters and hormones on such livestock, whether implanted, ingested, or injected, including antibiotics and synthetic trace elements used to stimulate growth or production of such livestock.

(d) Health care**(1) Prohibited practices**

For a farm to be certified under this chapter as an organic farm with respect to the livestock produced by such farm, producers on such farm shall not—

(A) use subtherapeutic doses of antibiotics;

(B) use synthetic internal parasiticides on a routine basis; or

(C) administer medication, other than vaccinations, in the absence of illness.

(2) Standards

The National Organic Standards Board shall recommend to the Secretary standards in addition to those in paragraph (1) for the care of livestock to ensure that such livestock is organically produced.

(e) Additional guidelines**(1) Poultry**

With the exception of day old poultry, all poultry from which meat or eggs will be sold or labeled as organically produced shall be raised and handled in accordance with this chapter prior to and during the period in which such meat or eggs are sold.

(2) Dairy livestock**(A) In general**

Except as provided in subparagraph (B), a dairy animal from which milk or milk products will be sold or labeled as organically produced shall be raised and handled in accordance with this chapter for not less than the 12-month period immediately prior to the sale of such milk and milk products.

(B) Transition guideline

Crops and forage from land included in the organic system plan of a dairy farm that is in the third year of organic management may be consumed by the dairy animals of the farm during the 12-month period immediately prior to the sale of organic milk and milk products.

(f) Livestock identification**(1) In general**

For a farm to be certified under this chapter as an organic farm with respect to the livestock produced by such farm, producers on such farm shall keep adequate records and maintain a detailed, verifiable audit trail so that each animal (or in the case of poultry, each flock) can be traced back to such farm.

(2) Records

In order to carry out paragraph (1), each producer shall keep accurate records on each animal (or in the case of poultry, each flock) including—

(A) amounts and sources of all medications administered; and

(B) all feeds and feed supplements bought and fed.

(g) Notice and public comment

The Secretary shall hold public hearings and shall develop detailed regulations, with notice and public comment, to guide the implementation of the standards for livestock products provided under this section.

(Pub. L. 101-624, title XXI, §2110, Nov. 28, 1990, 104 Stat. 3940; Pub. L. 102-237, title X, §1001(2), Dec. 13, 1991, 105 Stat. 1893; Pub. L. 109-97, title VII, §797(c), Nov. 10, 2005, 119 Stat. 2165.)

AMENDMENTS

2005—Subsec. (e)(2). Pub. L. 109-97 designated existing provisions as subpar. (A), inserted heading, substituted “Except as provided in subparagraph (B), a dairy” for “A dairy”, and added subpar. (B).

1991—Subsec. (d)(1)(B). Pub. L. 102-237, §1001(2)(A), substituted “parasitocides” for “paraciticides”.

Subsecs. (g), (h). Pub. L. 102-237, §1001(2)(B), redesignated subsec. (h) as (g).

§ 6510. Handling

(a) In general

For a handling operation to be certified under this chapter, each person on such handling operation shall not, with respect to any agricultural product covered by this chapter—

(1) add any synthetic ingredient not appearing on the National List during the processing or any postharvest handling of the product;

(2) add any ingredient known to contain levels of nitrates, heavy metals, or toxic residues in excess of those permitted by the applicable organic certification program;

(3) add any sulfites, except in the production of wine, nitrates, or nitrites;

(4) add any ingredients that are not organically produced in accordance with this chapter and the applicable organic certification program, unless such ingredients are included on the National List and represent not more than 5 percent of the weight of the total finished product (excluding salt and water);

(5) use any packaging materials, storage containers or bins that contain synthetic fungicides, preservatives, or fumigants;

(6) use any bag or container that had previously been in contact with any substance in such a manner as to compromise the organic quality of such product; or

(7) use, in such product water that does not meet all Safe Drinking Water Act [42 U.S.C. 300f et seq.] requirements.

(b) Meat

For a farm or handling operation to be organically certified under this chapter, producers on such farm or persons on such handling operation shall ensure that organically produced meat does not come in contact with nonorganically produced meat.

(Pub. L. 101-624, title XXI, §2111, Nov. 28, 1990, 104 Stat. 3941; Pub. L. 102-237, title X, §1001(3), Dec. 13, 1991, 105 Stat. 1893; Pub. L. 106-387, §1(a) [title VII, §748], Oct. 28, 2000, 114 Stat. 1549, 1549A-41; Pub. L. 109-97, title VII, §797(a), Nov. 10, 2005, 119 Stat. 2165.)

REFERENCES IN TEXT

The Safe Drinking Water Act, referred to in subsec. (a)(7), is title XIV of act July 1, 1944, as added Dec. 16,

1974, Pub. L. 93-523, §2(a), 88 Stat. 1660, as amended, which is classified generally to subchapter XII (§300f et seq.) of chapter 6A of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 201 of Title 42 and Tables.

AMENDMENTS

2005—Subsec. (a)(1). Pub. L. 109-97 inserted “not appearing on the National List” after “ingredient”.

2000—Subsec. (a)(3). Pub. L. 106-387 inserted “except in the production of wine,” after “sulfites.”.

1991—Subsec. (a)(1). Pub. L. 102-237 substituted “postharvest” for “post harvest”.

§ 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.

(d) Recordkeeping requirements

Producers who operate a certified organic farm or handling operation under this chapter shall maintain records for 5 years concerning the production or handling of agricultural products sold or labeled as organically produced under this chapter, including—

(1) a detailed history of substances applied to fields or agricultural products; and