

any farm or handling operation in which the person has an interest.

**(B) Description of activities**

An activity referred to in subparagraph (A) is—

- (i) making a false statement;
- (ii) attempting to have a label indicating that an agricultural product is organically produced affixed to an agricultural product that a person knows, or should have reason to know, to have been produced or handled in a manner that is not in accordance with this chapter; or
- (iii) otherwise violating the purposes of the applicable organic certification program, as determined by the Secretary.

**(C) Waiver**

Notwithstanding subparagraph (A), the Secretary may modify or waive a period of ineligibility under this paragraph if the Secretary determines that the modification or waiver is in the best interests of the applicable organic certification program established under this chapter.

**(4) Reporting of violations**

A certifying agent shall immediately report any violation of this chapter to the Secretary or the applicable governing State official.

**(5) Violations by certifying agent**

A certifying agent that is a private person that violates the provisions of this chapter or falsely or negligently certifies any farming or handling operation that does not meet the terms and conditions of the applicable organic certification program as an organic operation, as determined by the Secretary or the applicable governing State official shall, after notice and an opportunity to be heard—

- (A) lose accreditation as a certifying agent under this chapter; and
- (B) be ineligible to be accredited as a certifying agent under this chapter for a period of not less than 3 years, beginning on the date of the determination.

**(6) Effect on other law**

Nothing in this chapter alters—

- (A) the authority of the Secretary concerning meat, poultry and egg products under—
  - (i) the Federal Meat Inspection Act (21 U.S.C. 601 et seq.);
  - (ii) the Poultry Products Inspection Act (21 U.S.C. 451 et seq.); or
  - (iii) the Egg Products Inspection Act (21 U.S.C. 1031 et seq.);
- (B) the authority of the Secretary of Health and Human Services under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or
- (C) the authority of the Administrator of the Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).

(Pub. L. 101-624, title XXI, §2120, Nov. 28, 1990, 104 Stat. 3949; Pub. L. 102-237, title X, §1001(8), Dec. 13, 1991, 105 Stat. 1893; Pub. L. 113-79, title X, §10005(c), Feb. 7, 2014, 128 Stat. 944; Pub. L.

115-334, title X, §10104(g), Dec. 20, 2018, 132 Stat. 4901.)

REFERENCES IN TEXT

The Federal Meat Inspection Act, referred to in subsec. (c)(6)(A)(i), is titles I to V of act Mar. 4, 1907, ch. 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 subsecs. (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.)

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.)

## 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 subsecs. (c) and (d).

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

## 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