

shall hold such a referendum on request of the Board or any group of such processors that among them marketed during a representative period, as determined by the Secretary, 10 percent or more of the volume of fluid milk products marketed by all processors.

**(2) Adjustment to assessment rate**

The Secretary shall adjust the assessment rate under the order whenever the Secretary determines that the adjustment is favored—

(A) by at least 50 percent of fluid milk processors voting in the referendum; and

(B) by fluid milk processors that marketed during a representative period, as determined by the Secretary, 60 percent or more of the volume of fluid milk products marketed by all processors;

In no event shall the rate of assessment prescribed by the order exceed 20 cents per hundredweight.

**(3) Effective date**

The adjusted assessment rate shall be effective on a date, as determined by the Secretary, after the results of the referendum are known, but not later than 30 days after the referendum.

**(4) Costs; manner**

Subsections (c) and (d) of section 6413 of this title shall apply to a referendum conducted under this subsection.

(Pub. L. 101-624, title XIX, §1999P, Nov. 28, 1990, 104 Stat. 3926.)

**§ 6416. Independent evaluation of programs**

**(a) Review and evaluation**

The Comptroller General of the United States shall review and evaluate the order to—

(1) determine the effectiveness of the promotion program conducted under this chapter on fluid milk sales;

(2) determine if the assessments for the program have been passed back to milk producers by fluid milk processors; and

(3) make recommendations for future funding and assessment levels for the program.

**(b) Report to Congress**

The Comptroller General shall submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the valuations made under this section no later than January 1, 1995.

(Pub. L. 101-624, title XIX, §1999Q, Nov. 28, 1990, 104 Stat. 3926.)

**§ 6417. Authorization of appropriations**

**(a) In general**

There are authorized to be appropriated for each fiscal year such funds as are necessary to carry out this chapter.

**(b) Administrative expenses**

The funds so appropriated shall not be available for payment of the expenses or expenditures of the Board in administering any provision of any order issued under this chapter.

(Pub. L. 101-624, title XIX, §1999R, Nov. 28, 1990, 104 Stat. 3926.)

**CHAPTER 94—ORGANIC CERTIFICATION**

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**§ 6501. Purposes**

It is the purpose of this chapter—

(1) to establish national standards governing the marketing of certain agricultural products as organically produced products;

(2) to assure consumers that organically produced products meet a consistent standard; and

(3) to facilitate interstate commerce in fresh and processed food that is organically produced.

(Pub. L. 101-624, title XXI, §2102, Nov. 28, 1990, 104 Stat. 3935.)

**Statutory Notes and Related Subsidiaries**

**SHORT TITLE**

Pub. L. 101-624, title XXI, §2101, Nov. 28, 1990, 104 Stat. 3935, provided that: “This title [enacting this chapter] may be cited as the ‘Organic Foods Production Act of 1990’.”

**§ 6502. Definitions**

As used in this chapter:

**(1) Agricultural product**

The term “agricultural product” means any agricultural commodity or product, whether raw or processed, including any commodity or product derived from livestock that is marketed in the United States for human or livestock consumption.

**(2) Botanical pesticides**

The term “botanical pesticides” means natural pesticides derived from plants.

**(3) Certifying agent**

**(A) In general**

The term “certifying agent” means the chief executive officer of a State or, in the

case of a State that provides for the Statewide election of an official to be responsible solely for the administration of the agricultural operations of the State, such official, and any person (including private entities) who is accredited by the Secretary as a certifying agent for the purpose of certifying a farm or handling operation as a certified organic farm or handling operation in accordance with this chapter.

**(B) Foreign operations**

When used in the context of a certifying agent operating in a foreign country, the term “certifying agent” includes any person (including a private entity)—

- (i) accredited in accordance with section 6514(d) of this title; or
- (ii) accredited by a foreign government that acted under an equivalency agreement negotiated between the United States and the foreign government from which the agricultural product is imported.

**(4) Certified organic farm**

The term “certified organic farm” means a farm, or portion of a farm, or site where agricultural products or livestock are produced, that is certified by the certifying agent under this chapter as utilizing a system of organic farming as described by this chapter.

**(5) Certified organic handling operation**

The term “certified organic handling operation” means any operation, or portion of any handling operation, that is certified by the certifying agent under this chapter as utilizing a system of organic handling as described under this chapter.

**(6) Crop year**

The term “crop year” means the normal growing season for a crop as determined by the Secretary.

**(7) Governing State official**

The term “governing State official” means the chief executive official of a State or, in the case of a State that provides for the Statewide election of an official to be responsible solely for the administration of the agricultural operations of the State, such official, who administers an organic certification program under this chapter.

**(8) Handle**

The term “handle” means to sell, process or package agricultural products.

**(9) Handler**

The term “handler” means any person engaged in the business of handling agricultural 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) National organic program import certificate**

The term “national organic program import certificate” means a form developed for purposes of the program under this chapter—

- (A) to provide documentation sufficient to verify that an agricultural product imported for sale in the United States satisfies the requirement under section 6514(c) of this title;
- (B) which shall include, at a minimum, information sufficient to indicate, with respect to the agricultural product—
  - (i) the origin;
  - (ii) the destination;
  - (iii) the certifying agent issuing the national organic program import certificate;
  - (iv) the harmonized tariff code, if a harmonized tariff code exists for the agricultural product;
  - (v) the total weight; and
  - (vi) the organic standard to which the agricultural product is certified; and
- (C) that is not more than otherwise required under an equivalency agreement negotiated between the United States and the foreign government.

**(14) 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.

**(15) Organically produced**

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

**(16) Person**

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

**(17) 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.).

**(18) Processing**

The term “processing” means cooking, baking, heating, drying, mixing, grinding, churn-

ing, separating, extracting, cutting, fermenting, eviscerating, preserving, dehydrating, freezing, or otherwise manufacturing, and includes the packaging, canning, jarring, or otherwise enclosing food in a container.

**(19) Producer**

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

**(20) Secretary**

The term “Secretary” means the Secretary of Agriculture.

**(21) State organic certification program**

The term “State organic certification program” means a program that meets the requirements 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.

**(22) 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; Pub. L. 115-334, title X, §10104(b), Dec. 20, 2018, 132 Stat. 4899.)

**Editorial Notes**

**REFERENCES IN TEXT**

The Federal Insecticide, Fungicide, and Rodenticide Act, referred to in par. (17), 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—Par. (3). Pub. L. 115-334, §10104(b)(1), designated existing provisions as subpar. (A), inserted heading, and added subpar. (B).

Pars. (13) to (22). Pub. L. 115-334, §10104(b)(2), (3), added par. (13) and redesignated former pars. (13) to (21) as (14) to (22), respectively.

**§ 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), 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), 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) 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.)

**Statutory Notes and Related Subsidiaries**

**EXCLUSIONS FROM ORGANIC CERTIFICATION**

Pub. L. 115-334, title X, §10104(a), Dec. 20, 2018, 132 Stat. 4899, provided that: “Not later than 1 year after the date of enactment of this Act [Dec. 20, 2018], the Secretary [of Agriculture] shall issue regulations to limit the type of organic operations that are excluded from certification under section 205.101 of title 7, Code of Federal Regulations, and from certification under any other related sections under part 205 of title 7, Code of Federal Regulations.”

**§ 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.)

**Editorial Notes**

**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