(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 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) 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) 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 nonorganic 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(g) 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

(11) require such other terms and conditions as may be determined by the Secretary to be necessary.

(b) Discretionary requirements

An organic certification program established under this chapter may—

(1) provide for the certification of an entire farm or handling operation or specific fields of a farm or parts of a handling operation if—

(A) in the case of a farm or field, the area to be certified has distinct, defined boundaries and buffer zones separating the land being operated through the use of organic methods from land that is not being operated through the use of such methods;

(B) the operators of such farm or handling operation maintain records of all organic operations separate from records relating to other operations and make such records available at all times for inspection by the Secretary, the certifying agent, and the governing State official; and

(C) appropriate physical facilities, machinery, and management practices are established to prevent the possibility of a mixing of organic and nonorganic products or a penetration of prohibited chemicals or other substances on the certified area; and

(2) provide for reasonable exemptions from specific requirements of this chapter (except the provisions of section 6511 of this title) with respect to agricultural products produced on certified organic farms if such farms are subject to a Federal or State emergency pest or disease treatment program.

(c) Wild seafood

(1) In general

Notwithstanding the requirement of subsection (a)(1)(A) requiring products be produced only on certified organic farms, the Secretary shall allow, through regulations promulgated after public notice and opportunity for comment, wild seafood to be certified or labeled as organic.

(2) Consultation and accommodation

In carrying out paragraph (1), the Secretary shall—

(A) consult with—

(i) the Secretary of Commerce;

(ii) the National Organic Standards Board established under section 6518 of this title;

(iii) producers, processors, and sellers; and

(iv) other interested members of the public; and

(B) to the maximum extent practicable, accommodate the unique characteristics of the industries in the United States that harvest and process wild seafood.

(d) State program

A State organic certification program approved under this chapter may contain additional guidelines governing the production or handling of products sold or labeled as organically produced in such State as required in section 6507 of this title.

(e) Availability of fees

(1) Account

Fees collected under subsection (a)(10) (including late payment penalties and interest earned from investment of the fees) shall be credited to the account that incurs the cost of the services provided under this chapter.

(2) Use

The collected fees shall be available to the Secretary, without further appropriation or fiscal-year limitation, to pay the expenses of the Secretary incurred in providing accreditation services under this chapter.

(Pub. L. 101–624, title XXI, §2107, Nov. 28, 1990, 104 Stat. 3938; Pub. L. 105–185, title VI, §601(a), June 23, 1998, 112 Stat. 585; Pub. L. 108–11, title II, §2105, Apr. 16, 2003, 117 Stat. 589; Pub. L. 113–79, title X, §10005(b)(2), Feb. 7, 2014, 128 Stat. 944.)

Editorial Notes

AMENDMENTS

2014—Subsec. (a)(8). Pub. L. 113–79 substituted ''section 6515(g)'' for ''section 6515(h)''.

2003—Subsecs. (c) to (e). Pub. L. 108–11 added subsec. (c) and redesignated former subsecs. (c) and (d) as (d) and (e), respectively.

1998—Subsec. (d). Pub. L. 105–185 added subsec. (d).

§ 6507. State organic certification program

(a) In general

The governing State official may prepare and submit a plan for the establishment of a State organic certification program to the Secretary for approval. A State organic certification program must meet the requirements of this chapter to be approved by the Secretary.

(b) Additional requirements

(1) Authority

A State organic certification program established under subsection (a) may contain more restrictive requirements governing the organic certification of farms and handling operations and the production and handling of agricultural products that are to be sold or labeled as organically produced under this chapter than are contained in the program established by the Secretary.

(2) Content

Any additional requirements established under paragraph (1) shall—

(A) further the purposes of this chapter;

(B) not be inconsistent with this chapter;

(C) not be discriminatory towards agricultural commodities organically produced in other States in accordance with this chapter; and

(D) not become effective until approved by the Secretary.

(c) Review and other determinations

(1) Subsequent review

The Secretary shall review State organic certification programs not less than once during each 5-year period following the date of the approval of such programs.

(2) Changes in program

The governing State official, prior to implementing any substantive change to programs approved under this subsection, shall submit such change to the Secretary for approval.

(3) Time for determination

The Secretary shall make a determination concerning any plan, proposed change to a