

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.)

Editorial Notes

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, 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.

(Pub. L. 101-624, title XXI, §2112, Nov. 28, 1990, 104 Stat. 3942; Pub. L. 102-237, title X, §1001(4), Dec. 13, 1991, 105 Stat. 1893; Pub. L. 113-79, title X, §10005(a), Feb. 7, 2014, 128 Stat. 944.)

Editorial Notes

AMENDMENTS

2014—Subsec. (d). Pub. L. 113-79 struck out subsec. (d) which related to recordkeeping requirements for producers who operate a certified organic farm or handling operation.

1991—Subsec. (b). Pub. L. 102-237 substituted “Preharvest” for “Pre-harvest” in heading.

§ 6512. Other production and handling practices

If a production or handling practice is not prohibited or otherwise restricted under this chapter, such practice shall be permitted unless it is determined that such practice would be inconsistent with the applicable organic certification program.

(Pub. L. 101-624, title XXI, §2113, Nov. 28, 1990, 104 Stat. 3943.)

§ 6513. Organic plan

(a) In general

A producer or handler seeking certification under this chapter shall submit an organic plan to the certifying agent and the State organic certification program (if applicable), and such plan shall be reviewed by the certifying agent who shall determine if such plan meets the requirements of the programs.

(b) Crop production farm plan

(1) Soil fertility

An organic plan shall contain provisions designed to foster soil fertility, primarily through the management of the organic content of the soil through proper tillage, crop rotation, and manuring.

(2) Manuring

(A) Inclusion in organic plan

An organic plan shall contain terms and conditions that regulate the application of manure to crops.

(B) Application of manure

Such organic plan may provide for the application of raw manure only to—

(i) any green manure crop;

(ii) any perennial crop;

(iii) any crop not for human consumption; and

(iv) any crop for human consumption, if such crop is harvested after a reasonable period of time determined by the certifying agent to ensure the safety of such crop, after the most recent application of raw manure, but in no event shall such period be less than 60 days after such application.

(C) Contamination by manure

Such organic plan shall prohibit raw manure from being applied to any crop in a way that significantly contributes to water contamination by nitrates or bacteria.

(c) Livestock plan

An organic livestock plan shall contain provisions designed to foster the organic production