

By: Representative Holland

To: Agriculture

HOUSE BILL NO. 684

1 AN ACT TO CONFORM THE ORGANIC CERTIFICATION LAW WITH THE  
 2 NATIONAL ORGANIC PROGRAM; TO AMEND SECTION 69-47-3, MISSISSIPPI  
 3 CODE OF 1972, TO REMOVE REFERENCE TO LIVESTOCK AND DAIRY  
 4 PRODUCTION IN THE ORGANIC CERTIFICATION LAW; TO AMEND SECTION  
 5 69-47-5, MISSISSIPPI CODE OF 1972, TO REQUIRE TISSUE TESTING OF A  
 6 CROP GROWN IN AN ORGANICALLY MANAGED FIELD THAT IS LOCATED WITHIN  
 7 TWENTY-FIVE FEET OF A FIELD TO WHICH A PROHIBITED PESTICIDE HAS  
 8 BEEN APPLIED; TO REPEAL SECTIONS 69-47-29 AND 69-47-31,  
 9 MISSISSIPPI CODE OF 1972, WHICH PROVIDE PENALTIES AND  
 10 ADMINISTRATIVE PROCEDURES FOR VIOLATIONS OF THE ORGANIC  
 11 CERTIFICATION LAW; AND FOR RELATED PURPOSES.

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

13 **SECTION 1.** Section 69-47-3, Mississippi Code of 1972, is  
14 amended as follows:

15 69-47-3. The department and three (3) advisory members  
16 appointed by the Mississippi Organic Growers Association and one  
17 (1) Mississippi State University extension service specialist and  
18 one (1) Alcorn State University extension service specialist may  
19 adopt any rules and regulations necessary for the enforcement and  
20 administration of this chapter, including, but not limited to:

21 (a) Crop, including all fruits, vegetables and herbs,  
22 production standards;

23 (b) Manufacturing, processing, packaging and labeling  
24 standards;

25 (c) A materials list of permitted and prohibited  
26 substances;

27 (d) Procedures governing the certification process; and

28 (e) Standards and procedures for approving out-of-state  
29 organic products and ingredients.

30 **SECTION 2.** Section 69-47-5, Mississippi Code of 1972, is  
31 amended as follows:



32           69-47-5. (1) Any producer who sells or intends to sell  
33 organic food shall apply to the department for certification in  
34 accordance with this chapter.

35           (2) An applicant for certification must document that the  
36 land, individual field or greenhouse units to be certified shall  
37 be managed organically. Documentation for certification shall be  
38 in the form of a detailed, three-year farm plan for land, fields  
39 or units and in a format acceptable to the department. The  
40 application shall be reviewed by the organic certification program  
41 director.

42           (3) The farm plan shall include:

43                 (a) Three-year rotation and nutrient-stabilization  
44 plans for each field or unit under organic management;

45                 (b) One-year, agronomic field-by-field crop practice  
46 and spray plans for each field or unit of the farm which is  
47 organically managed;

48                 (c) A map of the field to be organically managed which  
49 also indicates all buffer zones and their width, with at least a  
50 thirty-foot buffer zone separating land managed organically from  
51 other cultivated agricultural land and at least a fifteen-foot  
52 buffer zone separating greenhouse units managed organically from  
53 other units;

54                 (d) A description of facility and methods that shall be  
55 used to keep organically managed crops and livestock from  
56 post-harvest segregated from nonorganically managed crops and  
57 livestock;

58                 (e) A description of facilities and methods that will  
59 be used to keep farm equipment from contaminating organically  
60 managed fields; and

61                 (f) A description of facilities and methods that shall  
62 be used to store and handle prohibited materials separately from  
63 permitted materials.



64 (4) A crop grown in an organically managed field, any part  
65 of which is located within twenty-five (25) feet of a field to  
66 which a prohibited pesticide has been applied, shall be  
67 tissue-tested for residues of that pesticide before the harvest of  
68 the organic crop.

69 (5) The department shall not certify a field as organically  
70 managed that is part of a farm unless there exist distinct,  
71 defined boundaries between fields under organic management and  
72 other fields.

73 (6) The department shall not certify land that has no  
74 previous history as cultivated cropland, orchard or improved  
75 pasture, and that is being converted to organic for the sole  
76 purpose of replacing land abandoned because of chemical  
77 contamination or depleted fertility resulting from previous  
78 farm-management practices.

79 (7) In order to be certified, greenhouse units must be used  
80 solely for organically produced agricultural products in  
81 compliance with this chapter and applicable regulations.

82 (8) An applicant for certification shall present soil  
83 fertility test results for each field or greenhouse unit to be  
84 certified initially and every third year thereafter.

85 (9) An applicant shall also present the results of water  
86 residue and plant-tissue tests as required by the department.

87 (10) The department shall reserve the right to use a  
88 certification rating system in evaluating the application.

89 **SECTION 3.** Sections 69-47-29 and 69-47-31, Mississippi Code  
90 of 1972, which provide penalties and administrative proceedings  
91 for violations of the organic certification law, are repealed.

92 **SECTION 4.** This act shall take effect and be in force from  
93 and after July 1, 2003.

