

By: Representative Holland

To: Agriculture

HOUSE BILL NO. 684  
(As Passed the House)

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; TO AUTHORIZE THE DEPARTMENT OF AGRICULTURE TO  
12 DEVELOP AN ORGANIC CERTIFICATION PROGRAM FOR ORGANIC MEAT, ORGANIC  
13 FISH, ORGANIC POULTRY AND ORGANIC SEAFOOD; AND FOR RELATED  
14 PURPOSES.

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

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

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

24 (a) Crop, including all fruits, vegetables and herbs,  
25 production standards;

26 (b) Manufacturing, processing, packaging and labeling  
27 standards;

28 (c) A materials list of permitted and prohibited  
29 substances;

30 (d) Procedures governing the certification process; and

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



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

35           69-47-5. (1) Any producer who sells or intends to sell  
36 organic food shall apply to the department for certification in  
37 accordance with this chapter.

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

45           (3) The farm plan shall include:

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

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

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

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

61                 (e) A description of facilities and methods that will  
62 be used to keep farm equipment from contaminating organically  
63 managed fields; and



64 (f) A description of facilities and methods that shall  
65 be used to store and handle prohibited materials separately from  
66 permitted materials.

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

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

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

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

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

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

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

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

95 **SECTION 4.** The Mississippi Department of Agriculture shall  
96 develop an organic certification program for organic meat, organic



97 fish, organic poultry and organic seafood. Nothing in this act  
98 shall restrict the department in charging a fee for any organic  
99 labeling required by this act.

100       **SECTION 5.** This act shall take effect and be in force from  
101 and after July 1, 2003.

