

By: Senator(s) Stogner

To: Agriculture

SENATE BILL NO. 2510

1 AN ACT TO CONFORM THE ORGANIC CERTIFICATION LAW WITH THE
2 NATIONAL ORGANIC PROGRAM; TO AMEND SECTIONS 69-47-1 AND 69-47-3,
3 MISSISSIPPI CODE OF 1972, TO REMOVE REFERENCE TO LIVESTOCK AND
4 DAIRY PRODUCTION IN THE ORGANIC CERTIFICATION LAW; TO AMEND
5 SECTION 69-47-5, MISSISSIPPI CODE OF 1972, TO REQUIRE TISSUE
6 TESTING OF A CROP GROWN IN AN ORGANICALLY MANAGED FIELD THAT IS
7 LOCATED WITHIN TWENTY-FIVE FEET OF A FIELD TO WHICH A PROHIBITED
8 PESTICIDE HAS BEEN APPLIED; TO REPEAL SECTIONS 69-47-29 AND
9 69-47-31, 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 69-47-1, Mississippi Code of 1972, is
14 amended as follows:

15 69-47-1. For the purpose of this chapter, the following
16 terms shall have the following meanings:

17 (a) "Agricultural product" means any agricultural
18 commodity or product, whether raw or processed, * * * that is
19 marketed for human * * * consumption.

20 (b) "Certified organic farm" means a farm or portion of
21 a farm or a site where agricultural products * * * are produced
22 that is certified by the department as utilizing a system of
23 organic farming.

24 (c) "Commissioner" means the Commissioner of the
25 Mississippi Department of Agriculture and Commerce.

26 (d) "Department" means the Mississippi Department of
27 Agriculture and Commerce.

28 (e) "EPA" means the United States Environmental
29 Protection Agency.

30 (f) "Farm plan" means a plan of management of an
31 organic farm that has been agreed to by the producer or handler



and the department and that includes written plans concerning all aspects of agricultural production or handling, including all practices required under this chapter.

(g) "FDA" means the United States Food and Drug Administration.

(h) "Greenhouse unit" or "unit" means a structure intended or used for the production of agricultural products.

(i) "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.

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(j) "Mississippi organic materials and practices (MOMP)" means a list of approved and prohibited substances and practices as adopted.

(k) "Organic farming" means a food production system based on farm management methods or practices that rely on building soil fertility by utilizing crop rotation, recycling of organic wastes, application of unsynthesized minerals and, when necessary, mechanical, botanical or biological pest control.

(l) "Organic food" means a food which is labeled as organic or organically grown and which has been produced, transported, distributed, processed and packaged without the use of synthetic pesticides, synthetically compounded fertilizers, synthetic growth hormones, genetically modified organisms or artificial radiation and which has been verified by the department as complying with all provisions of this chapter.

(m) "Organically managed or produced" means an agricultural product that is produced and handled in accordance with all the provisions of this chapter and any regulations adopted thereunder.



63 (n) "Person" means an individual, group of individuals,
64 corporation, association, organization, cooperative or other
65 entity.

66 (o) "Pesticide" means any substance or mixture of
67 substances intended for preventing, destroying, repelling or
68 mitigating any pest and any substance or combination of substances
69 intended for use as a plant regulator, defoliant, desiccant or any
70 substance the commissioner determines to be a pesticide.

71 (p) "Processing" means cooking, baking, heating,
72 drying, mixing, grinding, churning, separating, extracting,
73 cutting, fermenting, * * * preserving, dehydrating, freezing or
74 otherwise manufacturing and includes the packaging, canning,
75 jarring or otherwise enclosing food in a container.

76 (q) "Producer" means a person who engages in the
77 business of growing or producing food, feed and ornamental
78 plants * * *.

79 (r) "Prohibited substances, fertilizers, materials,
80 pesticides" mean those substances, fertilizers, materials,
81 pesticides or practices prohibited by this chapter or regulations
82 from use in a certified organic farming operation.

83 (s) "Restricted" means substances and practices which
84 use is limited or qualified by the commissioner.

85 (t) "Tolerance" means the amount of a pesticide
86 permitted on raw or processed agricultural commodities.

87 **SECTION 2.** Section 69-47-3, Mississippi Code of 1972, is
88 amended as follows:

89 69-47-3. The department and three (3) advisory members
90 appointed by the Mississippi Organic Growers Association and one
91 (1) Mississippi State University extension service specialist and
92 one (1) Alcorn State University extension service specialist may
93 adopt any rules and regulations necessary for the enforcement and
94 administration of this chapter, including, but not limited to:



- (a) Crop, including all fruits, vegetables and herbs,
production standards;
- (b) Manufacturing, processing, packaging and labeling
standards;
- (c) A materials list of permitted and prohibited
substances;
- (d) Procedures governing the certification process; and
- (e) Standards and procedures for approving out-of-state
organic products and ingredients.

SECTION 3. Section 69-47-5, Mississippi Code of 1972, is
amended as follows:

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

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

(3) The farm plan shall include:

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

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

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



128 (d) A description of facility and methods that shall be
129 used to keep organically managed crops and livestock from
130 post-harvest segregated from nonorganically managed crops and
131 livestock;

132 (e) A description of facilities and methods that will
133 be used to keep farm equipment from contaminating organically
134 managed fields; and

135 (f) A description of facilities and methods that shall
136 be used to store and handle prohibited materials separately from
137 permitted materials.

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

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

147 (6) The department shall not certify land that has no
148 previous history as cultivated cropland, orchard or improved
149 pasture, and that is being converted to organic for the sole
150 purpose of replacing land abandoned because of chemical
151 contamination or depleted fertility resulting from previous
152 farm-management practices.

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

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

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



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

163 **SECTION 4.** Sections 69-47-29 and 69-47-31, Mississippi Code
164 of 1972, which provide penalties and administrative proceedings
165 for violations of the organic certification law, are repealed.

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

