

By: Representative Eaton

To: Agriculture

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 865

1 AN ACT TO AMEND SECTIONS 69-47-5, 69-47-17 AND 69-47-25,
2 MISSISSIPPI CODE OF 1972, TO CONFORM THE STATE ORGANIC FARM
3 CERTIFICATION PROGRAM TO REQUIREMENTS OF THE NATIONAL ORGANIC
4 PROGRAM AS ADMINISTERED BY THE UNITED STATES DEPARTMENT OF
5 AGRICULTURE; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 69-47-5, Mississippi Code of 1972, is
8 amended as follows:

9 69-47-5. (1) Any producer who sells or intends to sell
10 organic food shall apply to the department for certification in
11 accordance with this chapter.

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

19 (3) The farm plan shall include:

20 (a) * * * Rotation and nutrient-stabilization plans for
21 each field or unit under organic management;

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

25 (c) A map of the field to be organically managed which
26 also indicates all buffer zones and their width, with * * *

27 a * * * buffer zone separating land managed organically from other

28 cultivated agricultural land and * * * a * * * buffer zone

29 separating greenhouse units managed organically from other units;

30 (d) A description of facility and methods that shall be
31 used to keep organically managed crops and livestock from
32 post-harvest segregated from nonorganically managed crops and
33 livestock;

34 (e) A description of facilities and methods that will
35 be used to keep farm equipment from contaminating organically
36 managed fields; and

37 (f) A description of facilities and methods that shall
38 be used to store and handle prohibited materials separately from
39 permitted materials.

40 (4) A crop grown in an organically managed field, any part
41 of which is located in close proximity to a field to which a
42 prohibited pesticide has been applied, shall be tissue-tested for
43 residues of that pesticide before the harvest of the organic crop.

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

48 (6) The department shall not certify land that has no
49 previous history as cultivated cropland, orchard or improved
50 pasture, and that is being converted to organic for the sole
51 purpose of replacing land abandoned because of chemical
52 contamination or depleted fertility resulting from previous
53 farm-management practices.

54 * * *

55 (7) An applicant for certification may present soil
56 fertility test results for each field or greenhouse unit to be
57 certified initially and every third year thereafter.

58 (8) An applicant may also present the results of water
59 residue and plant-tissue tests as required by the department.

60 (9) The department may use a certification rating system in
61 evaluating the application.

62 **SECTION 2.** Section 69-47-17, Mississippi Code of 1972, is
63 amended as follows:

64 69-47-17. (1) Applications submitted under this chapter
65 shall be in writing on a form prescribed by the department.

66 (2) A separate application shall be submitted for each farm,
67 farm unit, processing plant, distribution facility or retail
68 operation, if operated as a separate entity by the owner.

69 (3) Applications and verification documents shall be
70 submitted to the Mississippi Department of Agriculture and
71 Commerce.

72 (4) The department shall authorize retailers and
73 distributors to use the Mississippi certified organic mark upon
74 satisfactory completion and approval of a department application
75 form.

76 (5) All applicants entitled to use the mark shall be subject
77 to inspection by the department.

78 **SECTION 3.** Section 69-47-25, Mississippi Code of 1972, is
79 amended as follows:

80 69-47-25. (1) The department shall establish a fee schedule
81 for application, inspection and annual certification fees. The
82 fee schedule shall be provided to all persons inquiring about the
83 application process.

84 (2) Producers and processors participating in the
85 department's organic certification program will be charged an
86 inspection fee and an annual certification fee. Retailers and
87 distributors shall be charged an application fee for the initial
88 inspection conducted by the department in accordance with this
89 chapter and the regulations * * *.

90 * * *

91 **SECTION 4.** (1) Sections 69-47-5, 69-47-17 and 69-47-25,
92 Mississippi Code of 1972, shall stand repealed on July 1, 2006.

93 (2) Subsection (1) of this section shall be codified as a
94 separate section in Chapter 47, Title 69, Mississippi Code of
95 1972.

96 **SECTION 5.** This act shall take effect and be in force from
97 and after its passage.