

By: Representative Eaton

To: Agriculture

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 may 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.** This act shall take effect and be in force from  
92 and after its passage.