

By: Representative Holland

To: Agriculture

HOUSE BILL NO. 684  
(As Sent to Governor)

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

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

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

17 69-47-1. For the purpose of this chapter, the following  
18 terms shall have the following meanings:

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

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

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

28 (d) "Department" means the Mississippi Department of  
29 Agriculture and Commerce.

30 (e) "EPA" means the United States Environmental  
31 Protection Agency.



32           (f) "Farm plan" means a plan of management of an  
33 organic farm that has been agreed to by the producer or handler  
34 and the department and that includes written plans concerning all  
35 aspects of agricultural production or handling, including all  
36 practices required under this chapter.

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

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

41           (i) "Handler" means any person engaged in the business  
42 of handling agricultural products, except such term shall not  
43 include final retailers of agricultural products that do not  
44 process agricultural products.

45       \* \* \*

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

108 69-47-5. (1) Any producer who sells or intends to sell  
109 organic food shall apply to the department for certification in  
110 accordance with this chapter.

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

118 (3) The farm plan shall include:

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

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

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



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

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

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

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

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

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

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

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

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



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

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

168 **SECTION 5.** The Mississippi Department of Agriculture and  
169 Commerce may develop an organic certification program for organic  
170 meat, organic fish, organic poultry and organic seafood in  
171 compliance with the USDA organic program. Nothing in this act  
172 shall restrict the department in charging a fee for any organic  
173 labeling required by this act.

174 **SECTION 6.** This act shall take effect and be in force from  
175 and after July 1, 2003.

