

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



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

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

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

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

43 * * *

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

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

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

59 (m) "Organically managed or produced" means an
60 agricultural product that is produced and handled in accordance
61 with all the provisions of this chapter and any regulations
62 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:



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

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

106 69-47-5. (1) Any producer who sells or intends to sell
107 organic food shall apply to the department for certification in
108 accordance with this chapter.

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

116 (3) The farm plan shall include:

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

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

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

