

Amendment offered by Rep. Wied of Wisconsin

Amendment Description

This amendment would define “risk to organic integrity” and modernize USDA inspection requirements for U.S.-based organic operations to require on-site inspections at least every 3 years with annual virtual inspections for low-risk operations. International operations would continue to have annual on-site inspections. Additionally, it would authorize a USDA study on risk-based oversight protocols and examine the feasibility of reforms. USDA would be authorized to make regulations on risk-based oversight based on the study and consultation with Congress.

AMENDMENT

OFFERED BY MR. WIED OF WISCONSIN

At the end of subtitle B of title X, add the following
(and make such conforming changes as may be necessary):

1 **SEC. ____ . DEFINITIONS OF RISK TO ORGANIC INTEGRITY**
2 **AND OVERSIGHT PROTOCOLS.**

3 Section 2103 of the Organic Foods Production Act
4 of 1990 (7 U.S.C. 6502) is amended—

5 (1) by redesignating paragraphs (20) through
6 (22) as paragraphs (22) through (24), respectively;

7 (2) by redesignating paragraphs (16) through
8 (19) as paragraphs (17) through (20), respectively;

9 (3) by inserting after paragraph (15) the following:
10

11 “(16) OVERSIGHT PROTOCOLS.—The term
12 ‘oversight protocols’ means the regulations, policies,
13 and procedures issued by the Secretary under the
14 authorities provided in sections 2104, 2107, 2114,
15 2115, 2116, and 2120.”; and

16 (4) by inserting after paragraph (20), as so re-
17 designated, the following:

1 operation’s risk to organic integrity, as deter-
2 mined by the Secretary; and

3 “(C) in the case of a handling operation
4 that acquires but does not physically receive,
5 process, package, or store organic product, con-
6 ducted through inspection methods, including
7 virtual methods, that provide sufficient assur-
8 ance of compliance, as determined by the Sec-
9 retary;”.

10 **SEC. ____ . STUDY AND REFORM OF NATIONAL ORGANIC**
11 **PROGRAM OVERSIGHT PROTOCOLS.**

12 The Organic Foods Production Act of 1990 (7 U.S.C.
13 6501 et seq.), as amended by section 10105, is further
14 amended by inserting after section 2122B (as added by
15 such section 10105) the following:

16 **“SEC. 2122C. STUDY AND REFORM OF NATIONAL ORGANIC**
17 **PROGRAM OVERSIGHT PROTOCOLS.**

18 “(a) **STUDY.**—Not later than 12 months after the
19 date of enactment of this section, the Secretary shall con-
20 duct a comprehensive study for the purpose of determining
21 whether the establishment of oversight protocols based on
22 risk to organic integrity and the implementation of related
23 reforms are necessary and appropriate.

24 “(b) **ELEMENTS.**—

1 “(1) IN GENERAL.—In conducting the study
2 under subsection (a), the Secretary shall examine
3 the feasibility, opportunities, and implications of im-
4 plementing oversight protocols that—

5 “(A) are based on risk to organic integrity;

6 “(B) include differential treatment of non-
7 compliance that increases the risk to organic in-
8 tegrity versus non-compliance that does not;

9 “(C) adopt standardized organic plans
10 under section 2114 aligned with the risk to or-
11 ganic integrity;

12 “(D) include a multi-tiered approach to
13 certification aligned with the risk to organic in-
14 tegrity and the scale of the organic operation;
15 and

16 “(E) provide increased guidance and inter-
17 pretations of standards and criteria established
18 under this title given by the National Organic
19 Program to certifying agents and to certified
20 organic farms and handling operations.

21 “(2) CONSIDERATION OF RELEVANT FAC-
22 TORS.—In administering paragraph (1), the Sec-
23 retary shall, with respect to certified organic farms,
24 certified organic handling operations, and certifying
25 agents, take into account—

1 “(A) the scope of certification or accredita-
2 tion of each entity;

3 “(B) the scale and complexity of each enti-
4 ty;

5 “(C) the domestic or international location
6 of each entity;

7 “(D) the history of compliance of each en-
8 tity; and

9 “(E) other relevant factors.

10 “(c) REPORT.—Not later than 18 months after the
11 date of enactment of this section, the Secretary shall sub-
12 mit to the appropriate congressional committees, and
13 make publically available on the websites of the Depart-
14 ment of Agriculture, a report describing the findings of
15 the study conducted under subsection (a).

16 “(d) CONSULTATION.—In conducting the study
17 under subsection (a), the Secretary shall consult with—

18 “(1) the National Organic Standards Board;

19 “(2) certifying agents;

20 “(3) certified organic farms and handling oper-
21 ations;

22 “(4) organic consumers; and

23 “(5) other relevant organic stakeholders.

24 “(e) AUTHORITY TO ESTABLISH ADDITIONAL TERMS
25 AND CONDITIONS.—

1 “(1) ISSUANCE OF REGULATIONS.—Based on
2 the findings described in the report under subsection
3 (c), and after consultation with the appropriate con-
4 gressional committees, the Secretary may issue regu-
5 lations to establish or modify oversight protocols
6 under this title that the Secretary determines are
7 necessary and appropriate, provided such regulations
8 maintain strong organic integrity, support a resilient
9 domestic organic sector, and are consistent with the
10 requirements of this title.

11 “(2) REDUCING OVERSIGHT COSTS;
12 PRIORITIZATION.—In issuing the regulations under
13 paragraph (1), the Secretary may seek to—

14 “(A) reduce oversight costs and adminis-
15 trative burdens for certified organic farms, cer-
16 tified organic handling operations, and certi-
17 fying agents that present a lower risk to or-
18 ganic integrity; or

19 “(B) prioritize oversight resources for ac-
20 tivities that present a higher risk to organic in-
21 tegrity.

22 “(f) APPROPRIATE CONGRESSIONAL COMMITTEES
23 DEFINED.—In this section, the term ‘appropriate congres-
24 sional committees’ means—

1 “(1) the Committee on Agriculture of the
2 House of Representatives; and

3 “(2) the Committee on Agriculture, Nutrition,
4 and Forestry of the Senate.

5 “(g) RULE OF CONSTRUCTION.—Nothing in this sec-
6 tion shall be construed to limit the Secretary’s authority
7 to enforce compliance with this title to protect organic in-
8 tegrity.”.

