

118TH CONGRESS
1ST SESSION

H. R. 3650

To amend the Farm Security and Rural Investment Act of 2002 to expand the national organic certification cost-share program into a comprehensive opportunities in organic program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2023

Mr. PANETTA (for himself, Ms. ADAMS, Ms. LOFGREN, Ms. BONAMICI, Ms. PINGREE, Mr. PAYNE, Mr. MCGOVERN, and Ms. SALINAS) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Farm Security and Rural Investment Act of 2002 to expand the national organic certification cost-share program into a comprehensive opportunities in organic program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Opportunities in Or-
5 ganic Act of 2023”.

6 **SEC. 2. OPPORTUNITIES IN ORGANIC PROGRAM.**

7 Section 10606 of the Farm Security and Rural In-
8 vestment Act of 2002 (7 U.S.C. 6523) is amended—

1 (1) in the section heading, by striking “**NA-**
2 **TIONAL ORGANIC CERTIFICATION COST-**
3 **SHARE**” and inserting “**OPPORTUNITIES IN OR-**
4 **GANIC**”;

5 (2) in subsection (a)—

6 (A) by striking “national organic certifi-
7 cation cost-share program to assist” and insert-
8 ing “opportunities in organic program to—
9 “(1) assist”;

10 (B) by striking the period at the end and
11 inserting “; and”; and

12 (C) by adding at the end the following:

13 “(2) provide support and technical assistance
14 for transition to organic and organic management.”;

15 (3) by striking subsection (b);

16 (4) by redesignating subsections (c) and (d) as
17 subsections (e) and (f), respectively;

18 (5) by inserting after subsection (a) the fol-
19 lowing:

20 “(b) **FEDERAL ORGANIC CERTIFICATION COST**
21 **SHARE.**—

22 “(1) **IN GENERAL.**—Subject to paragraph (2),
23 the Secretary shall make payments to producers and
24 handlers to reimburse such producers or handlers

1 for costs incurred in obtaining certification under
2 the national organic production program.

3 “(2) MAXIMUM AMOUNT.—

4 “(A) IN GENERAL.—Except as provided in
5 subparagraph (B), the maximum amount of a
6 payment made to a producer or handler under
7 this section shall not exceed \$1,500.

8 “(B) ENSURING AFFORDABILITY.—Not-
9 withstanding subparagraph (A), the Secretary
10 may make payments under this section that ex-
11 ceed the maximum amount specified in such
12 subparagraph—

13 “(i) in the case of such a payment
14 made to a producer or handler who is—

15 “(I) located in a region with dis-
16 proportionately high certification
17 costs; or

18 “(II) a member of a socially dis-
19 advantaged group; or

20 “(ii) in the case of any other such
21 payment made to a producer or handler
22 not described in clause (i), if the Secretary
23 determines that exceeding such amount
24 would ensure that organic certification

1 costs are not a barrier to organic produc-
2 tion.

3 “(c) TRANSITION AND RESILIENCE FUNDING.—

4 “(1) IN GENERAL.—The Secretary shall award
5 funding to eligible nonprofit organizations for any of
6 the purposes specified in paragraphs (2), (3), and
7 (4).

8 “(2) CAPACITY BUILDING.—The purposes speci-
9 fied in this paragraph are staffing, materials, activi-
10 ties, and partnerships (such as with smaller non-
11 profit organizations) that support transition to or-
12 ganic and resilience of certified organic farms, in-
13 cluding the following:

14 “(A) Recruitment of producers to begin
15 transition to organic.

16 “(B) Translation and communication sup-
17 port, including the development of simple and
18 culturally appropriate materials to increase un-
19 derstanding of the practices and processes re-
20 quired to become certified under the Organic
21 Foods Production Act of 1990 (7 U.S.C. 6501
22 et seq.).

23 “(C) Assistance with applications, compli-
24 ance, recordkeeping, and other aspects of the
25 organic certification process under such Act.

1 “(D) Financial, business, and farm plan-
2 ning.

3 “(E) Support for fair contracting.

4 “(F) Technical assistance with soil build-
5 ing, pest management, and other practices.

6 “(G) Providing training on organic certifi-
7 cation requirements and organic management
8 to agricultural advisors and consultants, includ-
9 ing agronomists, crop advisors, pest control ad-
10 visors, extension agents, farm consultants, and
11 other technical service providers.

12 “(H) Facilitating paid mentor-mentee rela-
13 tionships between organic producers and pro-
14 ducers in transition to organic, including sti-
15 pends for all participants and training to sup-
16 port effective mentorship.

17 “(I) Assisting producers with accessing re-
18 sources and funding, including conservation
19 programs, risk management tools, and organic
20 support and research programs.

21 “(J) Establishing or expanding coopera-
22 tives, organic grower groups, certified organic
23 processing, storage, distribution facilities and
24 equipment, food hubs, food security and sov-
25 ereignty programs, organic-compliant

1 composting services, and other regional
2 foodshed and supply chain infrastructure.

3 “(K) On-farm research, including moni-
4 toring biodiversity, air, and water quality,
5 measuring changes in soil organic carbon and
6 indicators of soil health, developing regionally
7 adapted seeds and breeds, and trialing and doc-
8 umenting effectiveness of holistic approaches to
9 pest, weed, and disease control.

10 “(L) Recruiting and training organic cer-
11 tification staff and inspectors, with an emphasis
12 on expanding opportunities for socially dis-
13 advantaged farmers and ranchers and increas-
14 ing diversity in the certification process.

15 “(M) Increasing access to land for socially
16 disadvantaged farmers and ranchers and small-
17 and mid-sized farms and ranches and pro-
18 moting long-term organic management (such as
19 purchases of land for incubator projects, pro-
20 moting and supporting lease-to-own contracts,
21 resolving heirs property issues, and establishing
22 easements that facilitate long-term organic
23 stewardship).

24 “(N) Hosting or supporting regional
25 convenings, conferences, farmer-led trainings,

1 field days, teach-ins, and other educational op-
2 portunities focused on organic production.

3 “(O) Establishing infrastructure for inter-
4 farmer skills share and exchanges, including
5 virtual forums.

6 “(3) PRODUCER TRANSITION AND RESIL-
7 IENCE.—The purpose specified in this paragraph is
8 to provide one-time, 4-year, transition and resilience
9 funding to socially disadvantaged farmers or ranch-
10 ers or small or mid-sized farms or ranches to offset
11 costs of, and reduce barriers to, becoming or ex-
12 panding a certified organic farm, including through
13 the following:

14 “(A) Creating or expanding an organic
15 system plan (as defined in section 205.2 of title
16 7, Code of Federal Regulations, as in effect on
17 the date of the enactment of the Opportunities
18 in Organic Act of 2023), including the fol-
19 lowing:

20 “(i) Completing organic certification
21 documents, planning, and recordkeeping.

22 “(ii) Developing a plan to build soil
23 health.

24 “(B) Adopting, improving, or expanding
25 organic management, including:

1 “(i) Eliminating use of synthetic pes-
2 ticides, synthetic fertilizers, or antibiotics.

3 “(ii) Cover cropping, crop rotation, or
4 rotational grazing.

5 “(iii) Production and use of compost
6 and manure (including purchasing tools,
7 supplies, or storage).

8 “(iv) Sourcing or producing organic
9 seed and feed.

10 “(v) Hedgerow and ecosystem en-
11 hancement planting and design.

12 “(vi) Purchasing supplies for inter-
13 cropping and polycropping or other special-
14 ized equipment.

15 “(vii) Supporting beneficial predators,
16 pollinator habitats, erosion prevention, or
17 watershed restoration.

18 “(C) Costs associated with processing,
19 storage, and distribution equipment and facili-
20 ties.

21 “(D) Carrying out on-farm research to
22 monitor and document the impacts of transition
23 to organic, including in partnership with an-
24 other entity.

25 “(E) Soil testing.

1 “(F) Debt relief to improve access to cap-
2 ital and financial stability.

3 “(G) Forming a cooperative or farmer-to-
4 farmer network.

5 “(H) Training to become an organic in-
6 spector to expand revenue and regional inspec-
7 tion capacity.

8 “(I) Covering costs associated with over-
9 coming barriers to land access, including pay-
10 ments to secure longer leases and to cover costs
11 associated with—

12 “(i) accessing land that has not been
13 treated with materials prohibited for use
14 on a certified organic farm; or

15 “(ii) transitioning land to organic
16 management.

17 “(J) Covering labor costs, including im-
18 provements to workplace safety, compensation,
19 professional development, and staff training on
20 organic transition implementation.

21 “(K) Improving food safety practices and
22 obtaining related certifications.

23 “(L) Providing or participating in organic
24 agriculture educational opportunities.

1 “(M) Replacing foregone income during
2 transition to organic due to short-term changes
3 in yield and limited market options.

4 “(N) Construction or improvement of
5 housing for apprentices, trainees, or volunteers
6 or other on-farm infrastructure.

7 “(O) Financial, business, and farm plan-
8 ning.

9 “(4) ORGANIC SUPPLY CHAIN.—The purposes
10 specified in this paragraph are to provide funding to
11 other entities—

12 “(A) to strengthen organic capacity or ex-
13 pand access to certified organic handling oper-
14 ations, including—

15 “(i) constructing, expanding, or im-
16 proving access to a certified organic han-
17 dling operation;

18 “(ii) purchasing farm equipment,
19 value added supplies, and other materials
20 that improve market access; and

21 “(iii) pursuing organic certification
22 for an existing handling operation; and

23 “(B) to strengthen opportunities in organic
24 production for socially disadvantaged farmers
25 or ranchers, small or mid-sized farms or

1 ranches, or vulnerable agricultural regions
2 (such as farms near schools, childcare pro-
3 viders, residential areas, sensitive ecosystems)
4 or under-resourced agricultural regions.

5 “(5) MEETINGS.—An eligible nonprofit organi-
6 zation that receives funds under this subsection
7 shall—

8 “(A) communicate not less than once per
9 calendar quarter with each entity awarded
10 funding for the purposes specified in para-
11 graphs (3) and (4) to—

12 “(i) monitor progress with respect to
13 transition to organic and organic supply
14 chain development;

15 “(ii) address the improvement to, and
16 impact of, the transition to organic produc-
17 tion, including observed changes in bio-
18 diversity, soil health, pests, weeds, and dis-
19 ease occurrence, crop yield, and resilience;

20 “(iii) address challenges in
21 transitioning to organic and program par-
22 ticipation;

23 “(iv) consider market opportunities
24 for organic products and the adoption of
25 additional practices that reduce the use of

1 synthetic chemicals and foster soil fertility;
2 and

3 “(v) explore opportunities for coordi-
4 nated farm team meetings with staff from
5 relevant agencies and other organizations,
6 to streamline agricultural assistance and
7 improve farm viability, while increasing
8 adoption of on-farm conservation practices;
9 and

10 “(B) meet not less than once per year with
11 staff of the Department of Agriculture (as de-
12 termined by the Secretary) for the duration of
13 the funding period to discuss program partici-
14 pation and impacts, demographics and scale of
15 participants, transition success rates, market
16 opportunities, research results, and challenges
17 identified.

18 “(d) TECHNICAL ASSISTANCE.—

19 “(1) IN GENERAL.—The Secretary shall in-
20 crease regional resources to support organic manage-
21 ment, including technical assistance, outreach, sup-
22 ply chain coordination, and activities specified in
23 paragraph (2), through expanded organic-related ca-
24 pacity and partnerships at—

1 “(A) the Department of Agriculture, in-
2 cluding within the Agricultural Marketing Serv-
3 ice, the Farm Service Agency, the Natural Re-
4 sources Conservation Service, the Risk Manage-
5 ment Agency, the offices under the Undersecre-
6 tary of Rural Development, the Food and Nu-
7 trition Service, and climate hubs, with an em-
8 phasis on local and regional offices;

9 “(B) universities and educational institu-
10 tions, with an emphasis on institutions serving
11 socially disadvantaged farmers and ranchers;

12 “(C) the cooperative extension programs of
13 the Secretary, including the federally recognized
14 Tribes extension program under section 3(d) of
15 the Smith-Lever Act (7 U.S.C. 343(d));

16 “(D) State, regional, and Tribal depart-
17 ments of agriculture; and

18 “(E) eligible nonprofit organizations.

19 “(2) ACTIVITIES.—Activities specified in this
20 paragraph include—

21 “(A) providing regional education sessions
22 on organic management;

23 “(B) developing regionally-tailored re-
24 sources, technical assistance programs, and
25 teaching farms for organic producers and pro-

1 ducers in transition to organic, including tools
2 to promote and facilitate participation of so-
3 cially disadvantaged farmers and ranchers and
4 small- and mid-sized farms and ranches in or-
5 ganic and complementary support programs;

6 “(C) conducting ongoing outreach to, and
7 needs assessment of, producers in transition to
8 organic to identify barriers to organic produc-
9 tion and mechanisms to address such barriers;

10 “(D) identifying priority locations to pro-
11 mote transition to organic, including near
12 schools and childcare providers, residential
13 areas, and sensitive ecosystems;

14 “(E) developing organic supply chain and
15 infrastructure;

16 “(F) expanding organic and local supply
17 chains and market opportunities, including es-
18 tablishing channels for producers to offer prod-
19 ucts to institutional buyers and supporting pur-
20 chases through nutrition programs; and

21 “(G) advancing food waste reduction strat-
22 egies that support producer income and soil
23 health, including—

1 “(i) closed-loop programs that connect
2 community composting and food scrap col-
3 lection operations with farms; and

4 “(ii) coordination to maximize use of
5 farm products, composting, and waste re-
6 duction;”;

7 (6) in subsection (e), as so redesignated—

8 (A) by striking “including the” and insert-
9 ing the following: “including—

10 “(1) the”;

11 (B) by striking the period at the end and
12 inserting a semicolon; and

13 (C) by adding at the end the following:

14 “(2) the demographics, acreage, and sales of
15 producer participants, aggregated by region;

16 “(3) the number of producers and handlers that
17 received support from the program in the previous
18 fiscal year who—

19 “(A) began transition to organic; and

20 “(B) achieved new organic certification;

21 “(4) any barriers to achieving organic certifi-
22 cation;

23 “(5) the transition activities carried out by eli-
24 gible nonprofit organizations and the measures of
25 success of such activities;

1 “(6) research findings and best practices to
2 support transition to organic;

3 “(7) changes in organic-relevant capacity at
4 public institutions and eligible nonprofit organiza-
5 tions; and

6 “(8) changes in availability of organic-relevant
7 technical assistance.”;

8 (7) in subsection (f)(1), as so redesignated, by
9 striking subparagraphs (A) through (C) and insert-
10 ing the following:

11 “(A) \$50,000,000 for each of fiscal years
12 2024 and 2025;

13 “(B) \$80,000,000 for fiscal year 2026; and

14 “(C) \$100,000,000 for each of fiscal years
15 2027 and 2028.”; and

16 (8) by adding at the end the following:

17 “(f) DEFINITIONS.—In this section:

18 “(1) SOCIALLY DISADVANTAGED FARMER OR
19 RANCHER; SOCIALLY DISADVANTAGED GROUP.—The
20 terms ‘socially disadvantaged farmer or rancher’ and
21 ‘socially disadvantaged group’ have the meanings
22 given those terms in section 2501(a) of the Food,
23 Agriculture, Conservation, and Trade Act of 1990 (7
24 U.S.C. 2279(a)).

1 “(2) ELIGIBLE NONPROFIT ORGANIZATION.—

2 The term ‘eligible nonprofit organization’ means a
3 nonprofit organization (as defined in section 1619(b)
4 of the Food, Agriculture, Conservation, and Trade
5 Act of 1990 (7 U.S.C. 5801(b)) that primarily
6 serves at least one of the following:

7 “(A) Socially disadvantaged farmers and
8 ranchers.

9 “(B) Organic producers and handlers.

10 “(C) One or more vulnerable (e.g., farms
11 near schools, childcare providers, residential
12 areas, sensitive ecosystems) or under-resourced
13 agricultural regions.

14 “(D) Smaller nonprofit organizations that
15 primarily serve (A), (B), or (C).

16 “(3) ORGANIC.—The term ‘organic’ has the
17 meaning given such term in section 205.2 of title 7,
18 Code of Federal Regulations (or successor regula-
19 tions).

20 “(4) CERTIFIED ORGANIC FARM.—The term
21 ‘certified organic farm’ has the meaning given that
22 term in section 2103 of Food, Agriculture, Con-
23 servation, and Trade Act of 1990 (7 U.S.C. 6502).

24 “(5) CERTIFIED ORGANIC HANDLING OPER-
25 ATION.—The term ‘certified organic handling oper-

1 ation’ has the meaning given that term in section
2 2103 of Food, Agriculture, Conservation, and Trade
3 Act of 1990 (7 U.S.C. 6502).

4 “(6) TRANSITION TO ORGANIC.—The term
5 ‘transition to organic’ means carrying out the steps
6 required to become a certified organic farm.”.

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