

118TH CONGRESS  
1ST SESSION

# S. 1582

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

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## IN THE SENATE OF THE UNITED STATES

MAY 11, 2023

Mr. WELCH (for himself, Ms. BALDWIN, Mr. BOOKER, Mr. CASEY, Mr. FETTERMAN, Mrs. GILLIBRAND, Mr. KING, Mr. PADILLA, Mr. MARKEY, Mr. SANDERS, Ms. SMITH, Mr. MURPHY, and Mr. LUJÁN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## 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 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”.

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

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

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

8 (2) by striking subsection (b);

9 (3) by redesignating subsections (c) and (d) as  
10 subsections (e) and (f), respectively;

11 (4) in subsection (a), by striking the subsection  
12 designation and heading and all that follows through  
13 “Secretary of Agriculture” and inserting the fol-  
14 lowing:

15 “(b) ESTABLISHMENT.—The Secretary”;

16 (5) by inserting before subsection (b) (as so re-  
17 designated) the following:

18 “(a) DEFINITIONS.—In this section:

19 “(1) CERTIFIED ORGANIC FARM; CERTIFIED  
20 ORGANIC HANDLING OPERATION.—The terms ‘cer-  
21 tified organic farm’ and ‘certified organic handling  
22 operation’ have the meanings given those terms in  
23 section 2103 of the Organic Foods Production Act  
24 of 1990 (7 U.S.C. 6502).

25 “(2) ELIGIBLE NONPROFIT ORGANIZATION.—  
26 The term ‘eligible nonprofit organization’ means a

1 nonprofit organization (as defined in section 1619(b)  
2 of the Food, Agriculture, Conservation, and Trade  
3 Act of 1990 (7 U.S.C. 5801(b))) that primarily  
4 serves at least 1 of the following:

5 “(A) Socially disadvantaged farmers and  
6 ranchers.

7 “(B) Organic producers and handlers.

8 “(C) 1 or more vulnerable agricultural re-  
9 gions, such as farms near schools, childcare  
10 providers, residential areas, or sensitive eco-  
11 systems.

12 “(D) 1 or more under-resourced agricul-  
13 tural regions.

14 “(E) Smaller nonprofit organizations (as  
15 so defined) that primarily serve the entities or  
16 regions described in subparagraph (A), (B),  
17 (C), or (D).

18 “(3) NATIONAL ORGANIC PRODUCTION PRO-  
19 GRAM.—The term ‘national organic production pro-  
20 gram’ means the national organic production pro-  
21 gram established under the Organic Foods Produc-  
22 tion Act of 1990 (7 U.S.C. 6501 et seq.).

23 “(4) ORGANIC.—The term ‘organic’ has the  
24 meaning given the term in section 205.2 of title 7,

1 Code of Federal Regulations (or a successor regula-  
2 tion).

3 “(5) PROGRAM.—The term ‘program’ means  
4 the Opportunities in Organic program established  
5 under subsection (b).

6 “(6) SECRETARY.—The term ‘Secretary’ means  
7 the Secretary of Agriculture.

8 “(7) SOCIALLY DISADVANTAGED FARMER OR  
9 RANCHER; SOCIALLY DISADVANTAGED GROUP.—The  
10 terms ‘socially disadvantaged farmer or rancher’ and  
11 ‘socially disadvantaged group’ have the meanings  
12 given those terms in section 2501(a) of the Food,  
13 Agriculture, Conservation, and Trade Act of 1990 (7  
14 U.S.C. 2279(a)).

15 “(8) TRANSITION TO ORGANIC.—The term  
16 ‘transition to organic’ means the steps required to  
17 become a certified organic farm.”;

18 (6) in subsection (b) (as so redesignated)—

19 (A) by striking “a national organic certifi-  
20 cation cost-share program to assist” and insert-  
21 ing the following: “a program, to be known as  
22 the ‘Opportunities in Organic program’—

23 “(1) to assist”;

24 (B) in paragraph (1) (as so designated), by  
25 striking “program established” and all that fol-

1           lows through the period at the end and insert-  
2           ing “program; and”; and

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

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

6           (7) by inserting after subsection (b) (as so re-  
7           designated) the following:

8           “(c) FEDERAL ORGANIC CERTIFICATION COST-  
9           SHARE.—

10           “(1) IN GENERAL.—Subject to paragraphs (2)  
11           and (3), the Secretary shall pay under this sub-  
12           section the costs incurred by a producer or handler  
13           in obtaining certification under the national organic  
14           production program, as certified to and approved by  
15           the Secretary.

16           “(2) MAXIMUM AMOUNT.—Except as provided  
17           in paragraph (3), the maximum amount of a pay-  
18           ment made to a producer or handler under this sub-  
19           section shall be \$1,500.

20           “(3) ENSURING AFFORDABILITY.—Notwith-  
21           standing paragraph (2), the Secretary may make  
22           payments that exceed the maximum amount under  
23           that paragraph to ensure that organic certification  
24           costs are not a barrier to organic production, includ-  
25           ing payment to a producer or handler who is—

1           “(A) located in a region with dispropor-  
2           tionately high certification costs, as determined  
3           by the Secretary; or

4           “(B) a member of a socially disadvantaged  
5           group.

6           “(d) SUPPORT FOR TRANSITION TO ORGANIC AND  
7           TECHNICAL ASSISTANCE.—

8           “(1) TRANSITION AND RESILIENCE FUNDING.—

9           “(A) IN GENERAL.—The Secretary shall  
10          award funding to eligible nonprofit organiza-  
11          tions—

12                   “(i) to build capacity to support tran-  
13                   sition to organic in accordance with sub-  
14                   paragraph (B); and

15                   “(ii) to support transition to organic  
16                   in accordance with subparagraphs (C) and  
17                   (D).

18           “(B) ACTIVITIES TO BUILD CAPACITY.—

19          An eligible nonprofit organization that is  
20          awarded funding under this subparagraph may  
21          use the funding for staffing, materials, activi-  
22          ties, and partnerships (including partnerships  
23          with eligible nonprofit organizations described  
24          in subsection (a)(2)(E)) that support transition

1 to organic and resilience of certified organic  
2 farms, including—

3 “(i) the recruitment of producers to  
4 begin transition to organic;

5 “(ii) translation and communication  
6 support, including development of mate-  
7 rials to increase understanding of the prac-  
8 tices and processes required to become cer-  
9 tified as organic;

10 “(iii) assistance with applications,  
11 compliance, recordkeeping, and other as-  
12 pects of the organic certification process  
13 and the transition to organic;

14 “(iv) financial, business, natural re-  
15 source conservation, and farm planning;

16 “(v) support for fair contracting;

17 “(vi) technical assistance with organic  
18 management practices, such as soil health,  
19 nutrient management, pest management,  
20 and other practices, as determined appro-  
21 priate by the Secretary;

22 “(vii) by providing training on organic  
23 certification requirements and organic  
24 management to agricultural advisors and  
25 consultants, including agronomists, crop

1 advisors, pest control advisors, extension  
2 agents, farm consultants, and other tech-  
3 nical service providers, and agricultural in-  
4 dustry entities, such as seed dealers, equip-  
5 ment suppliers, and input suppliers;

6 “(viii) by facilitating paid mentor-  
7 mentee relationships between organic pro-  
8 ducers and producers in transition to or-  
9 ganic, including stipends for all partici-  
10 pants and training to support effective  
11 mentorship;

12 “(ix) by assisting producers with ac-  
13 cessing resources and funding for pro-  
14 grams associated with organic manage-  
15 ment, including conservation programs,  
16 risk management tools, and organic sup-  
17 port and research programs;

18 “(x) by establishing or expanding co-  
19 operatives, organic grower groups, certified  
20 organic processing, storage, refrigeration,  
21 freezer, and distribution facilities and  
22 equipment, food hubs, food security pro-  
23 grams, additional programs under the In-  
24 digenous Food Sovereignty Initiative of the  
25 Department of Agriculture, organic-compli-

1 ant composting services, and other regional  
2 foodshed and supply chain infrastructure,  
3 such as infrastructure for granaries and  
4 meat processing;

5 “(xi) on-farm research, including  
6 monitoring biodiversity, monitoring air and  
7 water quality, measuring changes in soil  
8 organic carbon and indicators of soil  
9 health, developing regionally adapted seeds  
10 and breeds, and carrying out trials and  
11 documenting the effectiveness of holistic  
12 approaches to pest, weed, and disease con-  
13 trol;

14 “(xii) recruiting and training organic  
15 certification staff and inspectors, with an  
16 emphasis on expanding opportunities for  
17 socially disadvantaged farmers and ranch-  
18 ers and increasing diversity in the certifi-  
19 cation process;

20 “(xiii) increasing access to land for  
21 socially disadvantaged farmers and ranch-  
22 ers and small and mid-sized farms and  
23 ranches and promoting long-term organic  
24 management (such as purchasing land for  
25 incubator projects, promoting and sup-

1           porting lease-to-own contracts, resolving  
2           heirs property issues, and establishing  
3           easements that facilitate long-term organic  
4           stewardship);

5           “(xiv) supporting tenant farmers, in-  
6           cluding through leasing options that serve  
7           tenants and landlords long term;

8           “(xv) hosting or supporting regional  
9           conventions, conferences, farmer-led train-  
10          ing sessions and programs, field days,  
11          teach-ins, and other educational opportuni-  
12          ties focused on organic production; and

13          “(xvi) establishing infrastructure for  
14          interfarmer skill sharing and exchanges,  
15          including virtual forums.

16          “(C) PRODUCER TRANSITION AND RESIL-  
17          IENCE FUNDING.—

18           “(i) IN GENERAL.—An eligible non-  
19           profit organization that is awarded funding  
20           under this subparagraph may use the  
21           funding to provide transition and resilience  
22           funding to existing organic operations, so-  
23           cially disadvantaged farmers or ranchers,  
24           or small or mid-sized farms or ranches.

25           “(ii) TERM.—

1           “(I) IN GENERAL.—Funding pro-  
2           vided under this subparagraph shall  
3           be for a term of 4 years.

4           “(II) 1-TIME FUNDING.—The  
5           Secretary may not renew funding pro-  
6           vided to a recipient under this sub-  
7           paragraph.

8           “(iii) USE OF FUNDS.—Funding  
9           awarded under clause (i) may be used to  
10          offset the costs of and reduce barriers to  
11          becoming or expanding a certified organic  
12          farm, including—

13               “(I) creating or expanding an or-  
14               ganic system plan (as defined in sec-  
15               tion 205.2 of title 7, Code of Federal  
16               Regulations (as in effect on the date  
17               of enactment of the Opportunities in  
18               Organic Act of 2023)), including—

19                       “(aa) completing organic  
20                       certification documents, planning,  
21                       and recordkeeping; and

22                       “(bb) developing a conserva-  
23                       tion plan to address all natural  
24                       resources, including soil health;

1           “(II) adopting, improving, or ex-  
2           panding organic management, includ-  
3           ing—

4                   “(aa) eliminating the use of  
5                   synthetic pesticides, synthetic fer-  
6                   tilizers, or antibiotics;

7                   “(bb) the implementation of  
8                   cover cropping, crop rotation, or  
9                   rotational grazing;

10                  “(cc) the production and use  
11                  of compost and manure (includ-  
12                  ing purchasing tools, supplies, or  
13                  storage);

14                  “(dd) sourcing or producing  
15                  organic seed and feed;

16                  “(ee) hedgerow and eco-  
17                  system enhancement planting  
18                  and design;

19                  “(ff) purchasing supplies for  
20                  intercropping and polycropping  
21                  or other specialized equipment  
22                  for use in organic management;  
23                  and

24                  “(gg) supporting beneficial  
25                  predators, pollinator habitats,

1 erosion prevention, or watershed  
2 restoration;

3 “(III) paying for costs associated  
4 with processing, storage, and distribu-  
5 tion equipment and facilities;

6 “(IV) carrying out on-farm re-  
7 search to monitor and document the  
8 impacts of transition to organic, in-  
9 cluding in partnership with an institu-  
10 tion of higher education or another  
11 entity;

12 “(V) soil testing;

13 “(VI) debt relief to improve ac-  
14 cess to capital and financial stability;

15 “(VII) forming a cooperative or  
16 farmer-to-farmer network;

17 “(VIII) providing training to be-  
18 come an organic inspector to expand  
19 revenue and regional inspection capac-  
20 ity;

21 “(IX) overcoming barriers to  
22 land access, including payments to se-  
23 cure longer leases and costs associated  
24 with accessing land that has not been  
25 treated with materials prohibited for

1 use on a certified organic farm or  
2 transitioning land to organic manage-  
3 ment;

4 “(X) paying for labor costs, in-  
5 cluding costs associated with improve-  
6 ments to workplace safety, compensa-  
7 tion, professional development, and  
8 staff training on transition to organic  
9 implementation;

10 “(XI) improving food safety  
11 practices and obtaining related certifi-  
12 cations;

13 “(XII) providing or participating  
14 in organic agriculture educational op-  
15 portunities;

16 “(XIII) providing compensation  
17 for foregone income during transition  
18 to organic due to short-term changes  
19 in yield and limited market options;

20 “(XIV) construction or improve-  
21 ment of housing for apprentices,  
22 trainees, or volunteers or other on-  
23 farm infrastructure; and

24 “(XV) financial, business, and  
25 farm planning.

1           “(iv) ORGANIC SYSTEM PLAN.—As a  
2           condition of receiving funding under this  
3           subparagraph to carry out any of the ac-  
4           tivities described in subclauses (II) through  
5           (XV) of clause (iii), an organic operation,  
6           socially disadvantaged farmer or rancher,  
7           or small or mid-sized farm or ranch shall  
8           be required to develop an organic system  
9           plan described in subclause (I) of that  
10          clause.

11          “(D) ORGANIC SUPPLY CHAIN FUNDING.—

12           “(i) IN GENERAL.—An eligible non-  
13           profit organization that is awarded funding  
14           under this subparagraph may use the  
15           funding to support organic supply chain  
16           development, including by providing the  
17           funding to other entities to support organic  
18           supply chain development.

19           “(ii) USE OF FUNDS.—Funding  
20           awarded under clause (i)—

21                   “(I) may be used to strengthen  
22                   organic capacity or expand access to  
23                   certified organic handling operations,  
24                   including—

1                   “(aa) constructing, expand-  
2                   ing, or improving access to a cer-  
3                   tified organic handling operation;

4                   “(bb) purchasing farm  
5                   equipment, value added supplies,  
6                   and other materials that improve  
7                   market access; and

8                   “(cc) pursuing organic cer-  
9                   tification for an existing handling  
10                  operation; and

11                  “(II) shall be used to strengthen  
12                  opportunities in organic capacity for  
13                  socially disadvantaged farmers or  
14                  ranchers, small or mid-sized farms or  
15                  ranches, vulnerable agricultural re-  
16                  gions (such as farms near schools,  
17                  childcare providers, residential areas,  
18                  and sensitive ecosystems), or under-  
19                  resourced agricultural regions.

20                  “(E) COMMUNICATIONS; MEETINGS.—An  
21                  eligible nonprofit organization that receives  
22                  funding under subparagraph (B), (C), or (D)  
23                  shall—

24                         “(i) communicate not less frequently  
25                         than once per quarter with each other enti-

1 ty awarded funding pursuant to those sub-  
2 paragraphs—

3 “(I) to monitor progress with re-  
4 spect to transition to organic and or-  
5 ganic supply chain development;

6 “(II) to address improvements  
7 and impacts of the transition to or-  
8 ganic, including observed changes in  
9 biodiversity, soil health, pests, weeds,  
10 and disease occurrence, crop yield,  
11 and resilience;

12 “(III) to address challenges asso-  
13 ciated with transition to organic;

14 “(IV) to consider market oppor-  
15 tunities and the adoption of additional  
16 practices; and

17 “(V) to explore opportunities for  
18 coordinated farm team meetings with  
19 staff from relevant agencies and orga-  
20 nizations to streamline agricultural  
21 assistance and improve farm viability  
22 while increasing adoption of on-farm  
23 conservation practices; and

24 “(ii) meet not less frequently than an-  
25 nually for each year for which funding is

1 provided with staff of the Department of  
2 Agriculture (as determined by the Sec-  
3 retary) to discuss program participation  
4 and impacts, demographics and scale of  
5 participants, transition to organic success  
6 rates, market opportunities, research re-  
7 sults, and challenges identified in the tran-  
8 sition to organic.

9 “(2) TECHNICAL ASSISTANCE.—

10 “(A) IN GENERAL.—The Secretary shall  
11 increase regional resources to support organic  
12 management, including technical assistance,  
13 outreach, supply chain coordination, and activi-  
14 ties described in subparagraph (B), through ex-  
15 panded organic-related capacity and partner-  
16 ships at—

17 “(i) the Department of Agriculture,  
18 including within the Agricultural Mar-  
19 keting Service, the Farm Service Agency,  
20 the Natural Resources Conservation Serv-  
21 ice, the Risk Management Agency, the of-  
22 fices under the Undersecretary of Rural  
23 Development, the Food and Nutrition  
24 Service, and climate hubs, with an empha-  
25 sis on local and regional offices;

1 “(ii) universities and educational insti-  
2 tutions, with an emphasis on institutions  
3 serving socially disadvantaged farmers and  
4 ranchers;

5 “(iii) the cooperative extension pro-  
6 grams of the Secretary, including the Fed-  
7 erally Recognized Tribes Extension Pro-  
8 gram;

9 “(iv) State, regional, and Tribal de-  
10 partments of agriculture; and

11 “(v) eligible nonprofit organizations.

12 “(B) AUTHORIZED ACTIVITIES.—Activities  
13 carried out through the entities described in  
14 subparagraph (A) shall include—

15 “(i) regional education sessions on or-  
16 ganic management;

17 “(ii) the development of regionally tai-  
18 lored resources, technical assistance pro-  
19 grams, and teaching farms for organic pro-  
20 ducers and producers in transition to or-  
21 ganic, including tools to promote and fa-  
22 cilitate participation of socially disadvan-  
23 taged farmers and ranchers and small and  
24 mid-sized farms and ranches in organic  
25 and complementary support programs;

1           “(iii) ongoing outreach to and needs  
2 assessment of producers in transition to  
3 organic to identify barriers to organic pro-  
4 duction and mechanisms to address those  
5 barriers;

6           “(iv) the identification of priority lo-  
7 cations to promote transition to organic,  
8 including near schools and childcare pro-  
9 viders, residential areas, and sensitive eco-  
10 systems;

11           “(v) organic supply chain and infra-  
12 structure development;

13           “(vi) the expansion of organic and  
14 local supply chains and market opportuni-  
15 ties, including establishing channels for  
16 producers to offer products to institutional  
17 buyers and supporting purchases through  
18 nutrition programs; and

19           “(vii) advancing food waste reduction  
20 strategies that support producer income  
21 and soil health, including—

22           “(I) closed-loop programs that  
23 connect community composting and  
24 food scrap collection operations with  
25 farms; and

1                   “(II) coordination to maximize  
2                   use of farm products, composting, and  
3                   waste reduction.”;

4                   (8) in subsection (e) (as so redesignated)—

5                   (A) by striking “including the number”  
6                   and inserting the following: “including—  
7                   “(1) the number”;

8                   (B) in paragraph (1) (as so designated), by  
9                   striking the period at the end and inserting a  
10                  semicolon; and

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

12                  “(2) the demographics, acreage, and sales of  
13                  producer participants that received support under  
14                  the program, aggregated by region;

15                  “(3) the number of producers and handlers  
16                  that—

17                   “(A) received support from the program in  
18                   the previous fiscal year;

19                   “(B) began transition to organic; and

20                   “(C) achieved new organic certification;

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

23                  “(5) the transition to organic activities carried  
24                  out by eligible nonprofit organizations and the

1 metrics used to evaluate the success of those activi-  
2 ties;

3 “(6) research findings and best practices to  
4 support transition to organic;

5 “(7) changes in organic-relevant capacity at  
6 public institutions of higher education and eligible  
7 nonprofit organizations; and

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

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

13 “(A) \$50,000,000 for each of fiscal years  
14 2024 and 2025;

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

16 “(C) \$100,000,000 for each of fiscal years  
17 2027 and 2028.”.

○