

119TH CONGRESS
1ST SESSION

S. 1398

To require the Secretary of Agriculture to submit to Congress a report on residue testing for all imported organic feedstuffs shipped in bulk, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 9, 2025

Mr. RICKETTS (for himself, Ms. SMITH, and Mr. SCOTT of South Carolina) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To require the Secretary of Agriculture to submit to Congress a report on residue testing for all imported organic feedstuffs shipped in bulk, 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 “Organic Imports
5 Verification Act of 2025”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) COVERED ORGANIC FEEDSTUFF.—The term
9 “covered organic feedstuff” means any organic

1 feedstuff included on the list established under sec-
2 tion 4(b)—

3 (A) that is shipped in bulk; and

4 (B) for which there is a national organic
5 program import certificate.

6 (2) NATIONAL ORGANIC PROGRAM IMPORT CER-
7 TIFICATE.—The term “national organic program im-
8 port certificate” has the meaning given the term in
9 section 2103 of the Organic Foods Production Act
10 of 1990 (7 U.S.C. 6502).

11 (3) ORGANIC.—The term “organic”, with re-
12 spect to a feedstuff, means that the feedstuff is or-
13 ganically produced (as defined in section 2103 of the
14 Organic Foods Production Act of 1990 (7 U.S.C.
15 6502)).

16 (4) SECRETARY.—The term “Secretary” means
17 the Secretary of Agriculture, acting through the Ad-
18 ministrator of the Agricultural Marketing Service.

19 (5) SHIPPED IN BULK.—

20 (A) IN GENERAL.—The term “shipped in
21 bulk”, with respect to a feedstuff, means that
22 the feedstuff is shipped loose in a ship hold,
23 railcar, container, or super sack, or by another
24 similar method.

1 (B) EXCLUSION.—The term “shipped in
2 bulk”, with respect to a feedstuff, does not in-
3 clude the shipment of that feedstuff as a pack-
4 aged good.

5 **SEC. 3. ANNUAL REPORT ON RESIDUE TESTING FOR COV-**
6 **ERED ORGANIC FEEDSTUFFS AND OTHER IM-**
7 **PORTED ORGANIC FEEDSTUFFS.**

8 (a) IN GENERAL.—Not later than 180 days after the
9 date of enactment of this Act, and annually thereafter,
10 the Secretary shall submit to Congress a report on the
11 residue testing described in subsection (b) that was carried
12 out during the year covered by the report for—

13 (1) each covered organic feedstuff; and

14 (2) each other imported organic feedstuff—

15 (A) that is shipped in bulk; and

16 (B) for which there is a national organic
17 program import certificate.

18 (b) RESIDUE TESTING DESCRIBED.—The residue
19 testing referred to in subsection (a) is residue testing car-
20 ried out under any of the following:

21 (1) Section 4(c).

22 (2) Section 2107(a)(6) of the Organic Foods
23 Production Act of 1990 (7 U.S.C. 6506(a)(6)).

24 (3) Section 2112(a) of that Act (7 U.S.C.
25 6511(a)).

1 (4) Section 205.670(c) of title 7, Code of Fed-
2 eral Regulations (or a successor regulation).

3 (c) REQUIREMENTS.—Each report under subsection
4 (a) shall include information on—

5 (1) the frequency of the applicable residue test-
6 ing;

7 (2) the methods used for that residue testing;

8 (3) the results of that residue testing;

9 (4) the standards used to analyze those results;

10 and

11 (5) any actions taken as a result of that residue
12 testing.

13 **SEC. 4. ANNUAL TESTING AND CORRECTIVE ACTION.**

14 (a) RISK-BASED PROTOCOL.—The Secretary, in con-
15 sultation with the Secretary of Homeland Security and the
16 organic agricultural product imports interagency working
17 group established under section 2122A of the Organic
18 Foods Production Act of 1990 (7 U.S.C. 6521a), shall de-
19 velop and regularly update risk-based protocols for—

20 (1) determining which imported organic
21 feedstuffs shall be included on the list of covered or-
22 ganic feedstuffs described in subsection (b) each
23 year; and

1 (2) determining necessary parameters of res-
2 idue testing for those imported organic feedstuffs,
3 including—

4 (A) frequency of testing;

5 (B) quantity to be tested;

6 (C) type of testing;

7 (D) responsibility for testing; and

8 (E) other necessary parameters.

9 (b) LIST OF COVERED ORGANIC FEEDSTUFFS.—

10 (1) IN GENERAL.—The Secretary, using the
11 risk-based protocol established under subsection
12 (a)(1), shall establish and annually update a list of
13 imported organic feedstuffs for which the Secretary
14 shall carry out residue testing under subsection (c)
15 during that year.

16 (2) CONFIDENTIALITY.—The list established
17 under paragraph (1) shall not be made publicly
18 available.

19 (c) ANNUAL TESTING.—Each year, the Secretary
20 shall carry out residue testing for each covered organic
21 feedstuff.

22 (d) CORRECTIVE ACTION.—Beginning on the date of
23 enactment of this Act, if any residue testing required
24 under subsection (c) indicates any detectable prohibited
25 substance at a level in excess of the level permitted by

1 the national organic program established under the Or-
2 ganic Foods Production Act of 1990 (7 U.S.C. 6501 et
3 seq.) or the relevant, equivalent organic certification pro-
4 gram of a State, the applicable shipment of that covered
5 organic feedstuff—

6 (1) shall be excluded from organic sale; and

7 (2) may not be sold, labeled, or represented as
8 organically produced.

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