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SENATE JOINT RESOLUTION NO. 445

Senate Amendments in [] — January 31, 2001

Requesting the Department of Agriculture and Consumer Services to study the feasibility and appropriateness of becoming a certifying agent under the Federal Organic Foods Production Act of 1990 for organically produced foods.

Patron Prior to Engrossment—Senator Marye

Referred to Committee on Rules

WHEREAS, agriculture comprises a significant segment of the Commonwealth's economy and plays a crucial role in defining the character of the Commonwealth and the quality of life of its citizens; and

WHEREAS, the production of organically produced foods in the United States and the Commonwealth has dramatically increased in recent years; and

WHEREAS, in 1990 the General Assembly passed the Virginia Organic Food Act (§ 3.1-385.1 et seq.) to establish standards for organically produced foods and to protect consumers seeking to purchase organically produced goods in the Commonwealth; and

WHEREAS, the United States Congress passed the Federal Organic Foods Production Act of 1990 to establish national standards for the production of organic foods; and

WHEREAS, the development of national standards for organically produced foods was completed in December 2000 by the United States Department of Agriculture and will become effective in 2002; and

WHEREAS, the national standards adopted by the United States Department of Agriculture will preempt state programs, including the one established by the Virginia Organic Food Act and administered by the Department of Agriculture and Consumer Services, that contain provisions less stringent than the national standards; and

WHEREAS, regulations adopted by the United States Department of Agriculture do not require that the Department of Agriculture and Consumer Services become a certifying agent for organically produced foods to ensure compliance with the Federal Organic Foods Production Act; and

WHEREAS, the Commissioner of Agriculture and Consumer Services has certified foods as being in compliance with the Virginia Organic Food Act and the Department of Agriculture and Consumer Services has not charged farmers for the certification of these foods; and

WHEREAS, third party certification of foods under the Federal Organic Foods Production Act will be more costly to farmers than certification by the Department of Agriculture and Consumer Services, reducing the profitability of organic agricultural enterprises; and

WHEREAS, providing for the certification of foods as organically produced under the Federal Organic Foods Production Act by the Department of Agriculture and Consumer Services will benefit farmers in the Commonwealth currently producing organically produced foods and those who wish to produce organically produced foods in the future; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Department of Agriculture and Consumer Services be requested to study the feasibility and appropriateness of becoming a certifying agent under the Federal Organic Foods Production Act of 1990 for organically produced foods.

All agencies of the Commonwealth shall provide assistance to the Department of Agriculture and Consumer Services for this study, upon request.

The Department of Agriculture and Consumer Services shall complete its work in time to submit its findings and recommendations [by October 20, 2001,] to the Governor and the 2002 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

ENGROSSED

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