

DRAFT PUNJAB ORGANIC FARMING ACT 2017

(An Act providing for the development and promotion of Organic Agriculture in the Punjab)

Whereas, it is expedient to regulate and promote organic farming to sustain the health of soil, ecosystem and human health through reliance on ecological processes, biodiversity and cycles adapted to local conditions, rather than the use of inputs with adverse effects

1. SHORT TITLE AND COMMENCEMENT-

- (1) This act may be called as the Punjab Organic Farming Act, 2017.
- (2) It shall extend to the whole of the province of the Punjab.
- (3) It shall come into force at once.

2. DEFINITIONS ____

Meaning of words

For the purpose of the regulations in this clause, words in the singular form may be deemed to impart the plural and vice versa, as the case may demand.

In this act, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them, that is to say ____

- i. **“Organic Farming”**
"Organic Farming is a agricultural production system that sustains the health of soils, ecosystems and human being. It relies on ecological processes, biodiversity and cycles adapted to local conditions, rather than the use of inputs with adverse effects on the forgoing. Organic agriculture combines tradition, innovation and science to benefit the shared environment and promote fair relationships and a good quality of life for all.
- ii. **“Accreditation”**. A determination made by the authority that authorizing a private, foreign, or local entity to conduct certification activities as a certifying body under this act.
- iii. **“Administrator”**. The Administrator for organic farming Department of Agriculture, or an officer to whom authority has been delegated to act as Administrator.
- iv. **“Agricultural inputs”**. All substances or materials used in the production or provided all such substances or material to be organic in natural form or processing or handling of organic agricultural products.
- v. **Agricultural product”**. Any agricultural commodity or product, whether raw or processed, that is marketed in the Punjab for human consumption.
- vi. **“Allowed synthetic”**. A substance that is included in the list of synthetic substances allowed for use in organic production, processing or handling.
- vii. **“Annual seedling”**. A plant grown from seed that will complete its life cycle or produce a harvestable yield within the same crop year or season in which it was planted.
- viii. **"Authority"** Secretary to Government of the Punjab, Agriculture Department
- ix. **“Biodegradable”**. Subject to biological decomposition into simpler biochemical or chemical components.
- x. **“Buffer zone”**. An area located between a certified production operation or portion of a production operation and an adjacent land area that is not maintained under

organic management. A buffer zone must be sufficient in size or other features (e.g., windbreaks or a diversion ditch) to prevent the possibility of unintended contact by prohibited substances applied to adjacent land areas with the area that is part of a certified production.

- xii. **"Catch crop"**. Crops grown in a space between two main crops or at a time when no main crops are being grown.
- xiii. **Certification or certified** A determination made by a certifying body that a production or handling system / operation is in compliance with this Act and the regulations made thereunder if any, which is documented by a certificate of organic certified farming.
- xiv. **"Certified operation"**. A crop production, wild-crop harvesting or handling operation, or portion of such operation that is certified by an accredited certifying body as utilizing a system of organic production or handling such operation as described by this Act and the regulations in this part.
- xv. **"Certifying body"**. Any entity accredited by the authority as a certifying body for the purpose of certifying a production or handling operation as a certified farming production or handling operation.
- xvi. **"Certifying agent"** A person or association of persons employed by the certifying body for the purpose of certification.
- xvii. **"Claims"** Oral, written, implied, or symbolic representations, statements, or advertising or other forms of communication made to the public or buyers of agricultural products that an agriculture product is 100%, "100 percent organic," "organic," or "made with organic (specified ingredients or food group(s))."
- xviii. **Compost**. The product of a managed process through which microorganisms break down plant and animal materials into more available forms suitable for application to the soil. Compost must be produced through a process that combines plant and animal materials with Organic Matter (minimum) 25%, C:N ratio < 20:1 and CEC > 60 me 100g⁻¹ (or compost as notified by Agriculture Department).
- xix. **"Commingling"**. Physical contact between unpackaged organically produced and nonorganically produced agricultural products during production, processing, transportation, storage or handling, other than during the manufacture of a multiingredient product containing both types of ingredients.
- xx. **"Cover crop"**. Crops grown for protection and enrichment of soil.
- xxi. **"Crop residues"**. The plant parts remaining in a field after the harvest of a crop, including stalks, stems, leaves, roots, and weeds.
- xxii. **"Crop rotation"**. The practice of alternating the annual crops grown on a specific field in a planned pattern or sequence in successive crop years so that crops of the same species or family are not grown repeatedly without interruption on the same field. In case of perennial cropping systems practices of alley cropping, intercropping, and hedgerows to introduce biological diversity may be adopted in lieu of crop rotation.
- xxiii. **"Detectable residue"**. The amount or presence of an input of chemical residue or sample components that can be reliably observed or found in the sample by an approved analytical method.

- xxiv. **“Emergency pest or disease treatment program”**. A mandatory program authorized by a Federal, Provincial, or local agency for the purpose of controlling or eradicating a pest or disease.
- xxv. **“Exempt”**. Free from an obligation or liability imposed on others.
- xxvi. **“Exclude”**. Remove from consideration.
- xxvii. **“Green manure crops”**. Crops with deep roots to bring nutrient to the surface.
- xxviii. **“Fertilizer”**. A single or blended substance containing one or more natural recognized plant nutrient(s) existing in organic farm designed for use or claimed to have value in promoting plant growth.
- xxix. **“Government”** means Government of the Punjab.
- xxx. **“Ingredient”**. Any substance used in the preparation of an agricultural product that is still present in the final commercial product as consumed.
- xxxi. **“Inspector”** Deputy Director Agriculture (Ext) / Assistant Director Agriculture (Ext) of Agriculture Department.
- xxxii. **“Handling operation”**. Any operation or portion of an operation (except final retailers of agricultural products that do not process agricultural products) that receives or otherwise acquires agricultural products and processes, packages, or stores such products.
- xxxiii. **“Inspection”**. The act of examining and evaluating the production or handling operation of an applicant to determine under that made regulations.
- xxxiv. **“Label”**. A display of written, printed, or graphic material on the immediate container of an agricultural product or any such material affixed to any agricultural product or affixed to a bulk container containing an agricultural product, given information about agricultural material of that product except for package liners or a display of written, printed, or graphic material which contains only information about the weight of the product.
- xxxv. **“Lot”**. Any number of containers which contain an agricultural product of the same kind located in the same conveyance, warehouse, or packing house and which are available for inspection at the same time.
- xxxvi. **“Manure”**. Feces, urine, other excrement, and bedding produced by livestock that has not been composted.
- xxxvii. **“Made with organic”**. Must contain at least 70 percent organically produced ingredients
- xxxviii. **“Nonsynthetic (natural)”**. A substance that is derived from mineral, plant, or animal matter and does not undergo a synthetic process. For the purposes of this part, nonsynthetic is used as a synonym for natural as the term is used in the Act.
- xxxix. **“Nontoxic”**. Not known to cause any adverse physiological effects in animals, plants, humans, or the environment.
- xl. **“Notifying body”**. Secretary
- xli. **“Organic”**. Food produced with the use of feed or fertilizer of plant or animal origin without employment of chemically formulated fertilizer, growth stimulants, antibiotics or pesticides.
- xlii. **“100% Organic”** Products having a certified seal and contents should have 95% or more certified organic.
- xliii. **“Organic system plan”**. A plan of management of an organic production or handling operation that has been agreed to by the producer or handler and the certifying agent and that includes written plans concerning all aspects of agricultural production or handling described in the Act .

- xliv. **“Organic matter”**. The remains, residues, or waste products of any natural organism.
- xlv. **“Pesticide”**. Any substance which alone, in combination, or in any formulation with one or more substances is defined as a pesticide by the Agriculture Department.
- xlvi. **“Prohibited substance”**. A substance the use of which in any aspect of organic production or handling is prohibited or not provided for in the Act or by the Agriculture Department.
- xlvii. **Secretary**. Means Secretary to Government of the Punjab, Agriculture Department.
- xlviii. **“Sewage sludge”**. A solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works.
- xlix. **“SOD”**. Turf grass
 - l. **“Synthetic”**. A substance that is formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources, except for biological process existing in action.
 - li. **“Wild crop”**. Any plant or portion of a plant that is collected or harvested from a site that is not maintained under cultivation or other agricultural management.

3. APPLICABILITY

(1). What has to be certified.

- a) Except for operations exempt or excluded in this law or rules made under this law, each production or handling operation or specified portion of a production or handling operation that produces or handles crops or other agricultural products that are intended to be sold, labeled, or represented as “100 percent organic,” “organic,” or “made with organic (specified ingredients or food group(s))” must be certified according to the provisions of this law.
- b) Any operation that:
 - (i) Knowingly sells or labels a product as organic, except in accordance with the act, shall be punishable.
 - (ii) Makes a false statement under the act to the authority, a governing official, or an accredited certifying agent shall be subject to the provisions of penalty under rules.

(2) Exemptions and exclusions from certification.

- a) Exemptions.
 - (i) The producing units and certifying body shall be kept responsible if non-organic materials are certified as organic and those who produce non-organic and title as organic. A handling operation of a retail food establishment is exempt from the requirements in this part.
 - (ii) A handling operation or portion of a handling operation that only handles agricultural products that contain less than 70 percent organic ingredients is exempt from the requirements in this part, except for the provisions for prevention of contact of organic products with prohibited substances set forth in this law with respect to any organically produced ingredients used in an agricultural product
 - (iii) A handling operation or portion of a handling operation that only identifies organic ingredients on the information panel is exempt from the requirements except if permitted by the secretary to the government.

(iv) Any traditional medicine, or extract for the purpose of treatment of human being.

b) Exclusions.

- (i) A handling operation is excluded from the requirements of this part, if such operation or portion of the operation only sells organic agricultural products labeled as “100 percent organic,” “organic,” or “made with organic (specified ingredients or food group(s))”
- (ii) A handling operation that is a retail food establishment processes raw and ready-to-eat food from agricultural products that were previously labeled as “100 percent organic,” “organic,” or “made with organic (specified ingredients or food group(s))” is excluded from the requirements in this part

- c) Records to be maintained by exempt operations: Any handling operation related to production exempt from certification must maintain records for at least 3 years beyond their creation.

(3) Use of the term, “organic.”

Any agricultural product that is sold, labeled, or represented as “100 percent organic,” “organic,” or “made with organic (specified ingredients or food group(s))” must be produced and handled in accordance with the requirements specified under this law.

(4) Recordkeeping by certified operations.

A certified operation must maintain records for at least 3 years concerning the production, harvesting, and handling of agricultural products that are or that are intended to be sold, labeled, or represented as “100 percent organic,” “organic,” or “made with organic (specified ingredients or food group(s)).”

(5) Allowed and prohibited substances, methods, and ingredients in organic production and handling.

To be sold or labeled as “100 percent organic,” “organic,” or “made with organic (specified ingredients or food group(s)),” the product must be produced and handled without the use of following items. The lists may be updated from time to time.

- a) Synthetic substances and ingredients, except as provided in the schedule
- b) Nonsynthetic substances prohibited in the schedule
- c) Nonagricultural substances used in or on processed products, except as otherwise provided in the schedule
- d)
- e) Ionizing radiation, as provided in the schedule
- f) Sewage sludge except allowed under this law and rules made under this act

4. ORGANIC PRODUCTION AND HANDLING REQUIREMENTS

(1) General.

The producer or handler of a production or handling operation intending to sell, label, or represent agricultural products as “100 percent organic,” “organic,” or “made with organic (specified ingredients or food group(s))” must comply with the applicable provisions of this subpart.

Production practices implemented in accordance with this subpart must maintain or improve the natural resources of the operation, including soil and water quality.

(2) Organic production and handling system plan.

- a) The producer or handler of a production or handling operation, except as exempt or excluded under this law, intending to sell, label, or represent agricultural products as “100 percent organic,” “organic,” or “made with organic (specified ingredients or food group(s))” must develop an organic production or handling system plan that is agreed to by the producer or handler and an accredited certifying agent. An organic system plan must meet the requirements set forth in this section for organic production or handling. An organic production or handling system plan must include:
 - (i) A description of practices and procedures to be performed and maintained along with their frequency
 - (ii) A list of each substance to be used as a production or handling input, indicating its composition, source, location(s) where it will be used, and documentation of commercial availability, as applicable;
 - (iii) A description of the management practices and physical barriers established to prevent commingling and contact of organic and nonorganic products
 - (iv) Additional information deemed necessary by the certifying agent to evaluate compliance with the regulations.

- b) A producer may substitute a plan prepared to meet the requirements of government regulatory program for the organic system plan: Provided, That, the submitted plan meets all the requirements of this law.

(3) Land requirements.

Any field or farm from which harvested crops are intended to be sold, labeled, or represented as “organic,” must

- a) Have distinct, defined boundaries and buffer zones and have been managed in accordance with the provisions of this act.
- b) Have had no prohibited substances, as mentioned in the list, applied to it for a period of 3 years immediately preceding harvest of the crop; (list to be attached) and
- c) In conversion material

(4) Soil fertility and crop nutrient management practice standard.

- a) The producer must select and implement tillage and cultivation practices to improve soil fertility and maintain organic matter through application of compost, rotations, cover crops, and the application of plant and animal materials.
- b) Raw animal manure must be composted upto the prescribed standard of Agriculture Department before use unless it is applied to land used for a crop not intended for human consumption
- c) A producer may manage crop nutrients and soil fertility to maintain or improve soil organic matter content in a manner that does not contribute to contamination of crops, soil, or water by plant nutrients, pathogenic organisms, heavy metals, or residues of prohibited substances by applying:
 - i. A crop nutrient or soil amendment included on the List of synthetic substances allowed for use in organic crop production (Schedule 1);

- ii. A mined substance of low solubility;
 - iii. A mined substance of high solubility, ash obtained from the burning of a plant or animal material, plant or animal material that has been chemically altered by a manufacturing process except as allowed in this act or regulations made under it;
- d) The producer must not use any fertilizer or composted plant and animal material that contains a synthetic substance not included in the appendix of synthetic substances allowed for use in organic crop production (Schedule 1);
 - e) Sewage sludge (biosolids), except allowed under this law and regulations made under it, must not be used; (standard is to be attached)
 - f) Burning as a means of disposal for crop residues produced on the operation.

(5) Seeds and planting stock practice standard.

The producer must use organically grown seeds, annual seedlings, and planting stock: Except, That, when an equivalent organically produced or untreated variety is not commercially available when a temporary variance has been allowed. Any genetically modified organisms (GMOs) cannot be claimed to be organic.

(6) Crop rotation practice standard.

The producer must implement a crop rotation which must be organically as well including but not limited to sod, cover crops, green manure crops, and catch crops that provide the functions that are applicable to the operation:

(7) Crop pest, weed, and disease management practice standard.

- a) The producer must use mechanical, biological or physical management practices to prevent crop pests, weeds, and diseases.
- b) Disease problems may be controlled through management practices, or application of nonsynthetic biological, botanical, or mineral inputs.
- c) When these practices are insufficient to prevent or control crop pests, weeds, and diseases, a biological or botanical substance or a substance included in the list of synthetic substances allowed for use in organic crop production may be applied to prevent, suppress, or control pests, weeds, or diseases.

(8) Wild-crop harvesting practice standard.

A wild crop that is intended to be sold, labeled, or represented as organic must be harvested from a designated area that has had no prohibited substance, applied to it for a period of 3 years immediately preceding the harvest of the wild crop.

(9) Commingling and contact with prohibited substance prevention practice standard.

- a) The handler of an organic handling operation must implement measures necessary to prevent the commingling of organic and nonorganic products and protect organic products from contact with prohibited substances.

- b) The use of packaging materials, and storage containers, or bins that contains or have been under use for a synthetic fungicide, preservative, or fumigant is prohibited until thoroughly cleaned.

(10) Temporary variances.

- a) Temporary variances from the requirements in this law may be established by the secretary for the following reasons:
 - i. Natural disasters declared by the government; damage caused by drought, wind, flood, excessive moisture, hail, tornado, earthquake, fire, or other business interruption, practices used for the purpose of conducting research or trials of techniques, varieties, or ingredients used in organic production or handling.
- b) A government official implementing this law or certifying agent may recommend in writing to the secretary for a temporary variance from a standards set forth in this law.

5. LABELS, LABELING, AND MARKET INFORMATION

(1) Use of the term, “organic.”

- a) The term, “organic,” may only be used on labels and in labeling of raw or processed agricultural products, including ingredients, that have been produced and handled in accordance with the regulations in this part.
- b) Products for export, produced and certified to international organic standards (to be annexed) or foreign contract buyer requirements, may be labeled in accordance with the organic labeling requirements of the receiving country or contract buyer.
- c) Any company which sells products as 100% organic is required to indemnify the government against libels and suits for mis-declaration or any other claim brought by consumers and buyers.

(2) Product composition.

- a) Products sold, labeled, or represented as “100 percent organic.” A raw or processed agricultural product sold, labeled, or represented as “100 percent organic” must contain 100 percent organically produced ingredients. If labeled as organically produced, such product must be labeled pursuant to this law.
- b) Products sold, labeled, or represented as “organic.” A raw or processed agricultural product sold, labeled, or represented as “organic” must contain not less than 95 percent organically produced raw or processed agricultural products. Any remaining product ingredients must be organically produced, unless not commercially available in organic form, or must be nonagricultural substances or nonorganically produced agricultural products produced consistent with the schedule 3 and 4. If labeled as organically produced, such product must be labeled pursuant to this law.
- c) Products sold, labeled, or represented as “made with organic (specified ingredients or food group(s)).” Multiingredient agricultural product sold, labeled, or represented as “made with

organic (specified ingredients or food group(s))” must contain at least 70 percent organically produced ingredients. No ingredients may be produced using prohibited practices. Nonorganic ingredients may be produced without regard to paragraphs subclause f(iii, iv, v) of clause 5 (2). If labeled as containing organically produced ingredients or food groups, such product must be labeled pursuant to the relevant clauses of this law.

- d) Products with less than 70 percent organically produced ingredients. The organic ingredients in multiingredient agricultural product containing less than 70 percent organically produced ingredients must be produced and handled pursuant to requirements of this law. The nonorganic ingredients may be produced and handled without regard to the requirements of organic production and handling requirement part of this act. Multiingredient agricultural product containing less than 70 percent organically produced ingredients may represent the organic nature of the product but must not display the seal or logo of government or certifying agent.
- e) All products labeled as “100 percent organic” or “organic” and all ingredients identified as “organic” in the ingredient statement of any product must not:
 - i. Be produced using excluded methods and sewage sludge
 - ii. Be processed using ionizing radiation
 - iii. Be processed using processing aids not approved under this law: Except, That, products labeled as “100 percent organic,” if processed, must be processed using organically produced processing aids
 - iv. Contain sulfites, nitrates, or nitrites added during the production or handling process
 - v. Be produced using nonorganic ingredients when organic ingredients are available, or include organic and nonorganic forms of the same ingredient.

(3) Calculating the percentage of organically produced ingredients.

The Provincial Reference Fertilizer Testing Laboratory will decide the procedure for calculating the percentage of organically produced ingredients.

(4) Packaged products or containers labeled

- a) The labels will be approved by the secretary to the government or his authorized representative or committee.
- b) Organic Agricultural products in packages or containers may display approved labels or market information concerning the product
- c) Shipping containers of domestically produced product labeled as organic intended for export to international markets may be labeled in accordance with any shipping container labeling requirements of the foreign country of destination or the container labeling specifications of a foreign contract buyer

(5) Government Seal.

Certifying body seal will be printed on the packages or containers of the products as allowed under this law.

6. CERTIFICATION

(1) General requirements for certification.

A person seeking to receive or maintain organic certification under the regulations must:

- a) Comply with all the clauses of the Act.
- b) Establish, implement, and update his record annually.
- c) Permit on-site inspections with complete access to the production and handling operations
- d) Immediately intimate the certifying body concerning any:
 - (i) Application, including drift, of a prohibited substance to any field, production unit, site, facility or product that is part of an operation; and
 - (ii) Change in a certified operation or any portion of a certified operation that may affect its compliance with the Act and the regulations in this part.

(2) Application for certification.

The applicant shall apply for certification to the certifying body and the application must include the following information:

- a) An organic production or handling system plan
- b) The name of the person completing the application; the applicant's business name, address, and telephone number.
- c) Other information necessary to determine compliance with the Act and the regulations in this part.

(3) Review of application.

- a) Upon acceptance of an application for certification, a certifying body must:
 - (i) Review the application to ensure completeness pursuant to act and communicate its findings to the applicant
 - (ii) Schedule an on-site inspection of the operation to determine whether the applicant qualifies for certification or not.
 - (iii) Provide the applicant with a copy of the on-site inspection report along with test results of sample taken where applicable.
 - (iv) The applicant may withdraw its application at any time. An applicant who withdraws its application shall be liable for the costs of services, notified by the certifying body provided up to the time of withdrawal of its application

(4) On-site inspections.

The certifying body / representative of certifying body must conduct on-site inspection of each production unit, facility, and site that produces or handles organic products and that is included in an operation for which certification is requested.

(5) Granting certification.

Within a reasonable time after completion of the initial on-site inspection, a certifying body must review the on-site inspection report, the results of any analyses for substances conducted, and any additional information requested from or supplied by the applicant. The certification may include requirements for the correction of minor non-compliances within a specified time period as a condition of continued certification.

(6) Denial of certification.

When the certifying body has reason to believe that an applicant for certification is not able to comply or is not in compliance with the requirements, the certifying body must provide a written notification of noncompliance to the applicant.

(7) Continuation of certification.

To continue certification, a certified operation must annually pay the certification fees, notified by the certifying body and submit the following information, to the certifying body:

An updated organic production or handling system plan which includes: A summary statement, supported by documentation, detail of any deviations from, changes to, modifications to, or other amendments made to the previous year's organic system plan during the previous year.

7. CERTIFYING LABORATORY

Laboratory of notified certifying body working under Government will be authorized for certifying organic products.

8. ADMINISTRATIVE

(1) Evaluation criteria for allowed and prohibited substances, methods, and ingredients.

The following criteria will be utilized in the evaluation of substances or ingredients for the organic production and handling

- a) The substance cannot be produced from a natural source.
- b) The substance's manufacture, use, and disposal do not have adverse effects on the environment and are done in a manner compatible with organic handling;
- c) The nutritional quality of the food is maintained when the substance is used, and the substance or its breakdown products do not have an adverse effect on human health.
- d) The substance's primary use is not as a preservative or to recreate or improve flavors, colors, textures, or nutritive value lost during processing, except where the replacement of nutrients is required by law.
- e) The substance is listed as generally recognized as safe and contains no residues of heavy metals or other contaminants in excess of tolerances.

(2) Synthetic substances allowed for use in organic crop production.

Schedule 1

(3) Nonsynthetic substances prohibited for use in organic crop production.

Schedule 2

(4) Nonagricultural (nonorganic) substances allowed as ingredients in or on processed products labeled as “organic” or “made with organic (specified ingredients or food group(s)).”
Schedule 3

(5) Nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as “organic.”
Schedule 4

(6) Inspection and Testing, Reporting, and Exclusion from Sale

Inspection and testing of agricultural products to be sold or labeled as “100 percent organic,” “organic,” or “made with organic (specified ingredients or food group(s)).”

- a) All agricultural products that are to be sold, labeled, or represented as “100 percent organic,” “organic,” or “made with organic (specified ingredients or food group(s))” must be made accessible for examination to the certifying body.
- b) The certifying body may require pre-harvest or postharvest testing of any agricultural input used or agricultural product to be sold, labeled, or represented as “100 percent organic,” “organic,” or “made with organic (specified ingredients or food group(s))” when there is reason to believe that the agricultural input or product has come into contact with a prohibited substance or has been produced using excluded methods. Samples may include the collection and testing of soil; water; waste; seeds; plant tissue; and plant, animal, and processed products samples. Such tests must be conducted by the laboratory of certifying body at its own expenses.
- c) The sample shall be collected by inspector of certifying body and submitted to laboratory of certifying body.
- d) Sample integrity collected by certifying body must be maintained throughout the chain of custody. Chemical analysis must be made in accordance with the currently applicable validated method for determining the presence of contaminants and Residue effects in agricultural products.
- e) Results of all analyses and tests performed under this section will be available for public access, unless the testing is part of an ongoing compliance investigation.

(7) Exclusion from organic sale.

When residue/contaminants testing detect prohibited substances at levels that are greater than prescribed tolerance limit for the specific residue detected or unavoidable residual environmental contamination, the agricultural product must not be sold, labeled, or represented as organically produced. The certifying body may conduct an investigation of the certified operation to determine the cause of the prohibited substance.

(8) Emergency pest or disease treatment.

When a prohibited substance is applied to a certified operation due to a Government emergency pest or disease treatment program and the certified operation otherwise meets the requirements of this part, the certification status of the operation shall not be affected as a result of the application of the prohibited substance: Provided, That:

- a) Any harvested crop or plant part to be harvested that has contact with a prohibited substance applied as the result of a emergency pest or disease treatment program cannot be sold, labeled, or represented as organically produced; and

9. ADVERSE ACTION APPEAL PROCESS

(1) General.

- a) Persons subject to the Act who believe they are adversely affected by a noncompliance decision of the certifying body may appeal such decision to the Secretary who will initiate handling of the appeal pursuant to appeal procedures.
- b) All written communications between parties involved in appeal proceedings must be sent to the recipient's place of business by a delivery service which provides dated return receipts.
- c) All appeals shall be reviewed, heard, and decided by persons not involved with the decision being appealed.

(2) Appeals.

- a) Certification appeals. An applicant for certification may appeal a certifying bodies notice of denial of certification, notification of proposed suspension or revocation of certification to the Secretary.
 - (i) If competent authority sustains a certification applicant's or certified operation's appeal of a certifying bodies decision, the applicant will be issued organic certification, or a certified operation will continue its certification, as applicable to the operation.
 - (ii) If the competent authority denies an appeal, a formal administrative proceeding will be initiated to deny, suspend, or revoke the certification.
- b) Filing period. An appeal of a noncompliance decision must be filed within the time period provided in the letter of notification or within 30 days from receipt of the notification, whichever occurs later.
- c) All appeals must include a copy of the adverse decision and a statement of the appellant's reasons for believing that the decision was not proper or made in accordance with applicable program regulations, policies, or procedures.

10. SALE OF ADULTERATED AND FAKE AGRICULTURE ORGANIC PRODUCTS

- (1) No person shall sell or store for sale adulterated or spurious or fake organic product.
- (2) No person shall produce, store for sale or sell underweight bags of fertilizers, destroy, efface or alter or cause to be destroyed, effaced or altered any label or mark fixed on any brand of organic product indicating the price marked by an importer or producer.
- (3) No person shall produce, sell, store and offer for sale organic product without certification from certifying body.

11. PROCEDURE OF SAMPLING

Where a Inspector takes a sample of a organic product for the purpose of test or analysis, he shall intimate such purpose in writing in Form-I to the person from whose possession he takes it and, in the presence of such person (unless he wilfully absents himself), shall divide the sample into three portions and effectively seal and suitably mark the same and permit such person to add his own seal and mark to all or any of the portions so sealed and marked;

Provided that: —

- (1) where the organic product is packed in containers of small size (i.e. 1 Kg or less), instead of dividing a sample as aforesaid, the Inspector, shall take three of the said containers after suitably marking the same and, where necessary, sealing them; and
- (2) the inspector shall restore one portion of a sample so divided or one container, as the case may be, to the person from whom he takes it, and shall retain the remainder and dispose of the same as follows:-
 - (i) He shall forthwith send one portion or container to the Provincial Reference Fertilizer Testing Laboratory for test or analysis; and
 - (ii) He shall send the second portion or container to the Additional Secretary (Task Force), Government of the Punjab, Agriculture Department, Lahore.

12. DISPATCH OF SAMPLE FOR TEST OR ANALYSIS IN THE LABORATORY

(1) Sample of organic product for test or analysis shall be sent to the Agricultural Chemist of the Provincial Reference fertilizer Testing Laboratory in sealed packet, together with copies of the memorandum in Form-I placed in an outer cover through a special messenger.

(2) The packet as well as the outer cover shall be marked with a distinguishing number.

(3) A copy of the memorandum in Form-I and a special impression of the seal used to seal the packet shall be sent separately thorough a special messenger to the Agricultural Chemist.

(4) On receipt of the packet, it shall be opened by the Agricultural Chemist or an officer authorized in writing in this behalf by him, who shall record the condition of the seal on the packet.

13. REPORT OF RESULT OF ANALYSIS

(1) After the test or analysis have been completed, the Agricultural Chemist of the laboratory shall forthwith supply to the Inspector a report in triplicate in prescribed form of the result of the test or analysis, together with the test method applied.

(2) The report of the test or analysis shall be signed by the Agricultural Chemist himself.

(3) The Inspector shall deliver one copy of the report received by him to the person from whose possession the sample was taken and send one copy each to Additional Secretary (Task Force), Government of the Punjab, Agriculture Department and certifying body.

14. APPEAL AGAINST RESULT OF ANALYSIS

(1) The person to whom the report has been delivered under sub-clause 13(3) may challenge the correctness of the analysis conducted by the Agricultural Chemist within ten days of the delivery of report to him before the Additional Secretary (Task Force), Government of the Punjab, Agriculture Department, and produce such evidence which in his opinion contravenes the correctness of such analysis.

(2) Where the evidence produced under sub-clause (1) is such as in the opinion of Additional Secretary justifies a further investigation he may cause a second portion of the same sample to be analyzed at the Punjab Agriculture, Food and Drug Authority (PAFDA)

- (3) After analysis of the sample, the PAFDA shall report the result of test or analysis and such report shall be conclusive evidence of the facts stated therein.
- (4) The PAFDA shall send the report of test or analysis to the Additional Secretary (Task Force), Government of the Punjab, Agriculture Department and Inspector concerned.

15. PACKING AND LABELLING

- (1) The package or container of organic product shall be such as is suitable for its storage and transportation and shall be of such material which does not adulterate or deteriorate the quality of organic product.
- (2) No person shall sell or offer for sale or hold in stock for sale any organic product unless it is labelled.
- (3) The following information shall be printed conspicuously, legibly and indelibly on the containers, bags or packing stored or offered for sale:-
- (a) name of agriculture organic product;
 - (b) name and address of the manufacture, formulator and distributor;
 - (c) net weight and contents;
 - (d) certification number;
 - (e) date of production and packing; and
 - (f) analysis of the material by percentage of the organic product.

16. PENAL PROVISION

Any person who willfully and deliberately:

- a) Obstructs the development or propagation of organic agriculture, or the manufacture, production, sale or use of organic agricultural inputs;
- b) Refuses without just to extend the support and assistance required under this act; and
- c) Mislabels or claims that the product is organic when it is in accordance with the existing standards for Punjab organic agriculture or this Act shall, upon conviction, be punished by imprisonment of not less than one (1) month nor more than six (6) months, or a fine not more than Fifty thousand rupees (Rs. 50000), or both, at the discretion of the court. If the offender is a corporation or a judicial entity, the official who ordered or allowed the commission of the offense shall be punished with the same penalty. If the offender is in the government service, he shall, in addition be dismissed from office.

SCHEDULES

(The Secretary Agriculture, Government of the Punjab or the certifying body may add or delete substance from the annexure after duly recording the reasons for the decisions based on scientific).

Schedule-1

In accordance with restrictions specified in this section, the following synthetic substances may be used in organic crop production: Provided that, use of such substances do not contribute to contamination of crops, soil, or water. Substances allowed by this section, may only be used when the provisions prove insufficient to prevent or control the target pest.

(a) As algicide, disinfectants, and sanitizer, including irrigation system cleaning systems.

(1) Alcohols.

- (i) Ethanol.
- (ii) Isopropanol.

(2) Chlorine materials—For pre-harvest use, residual chlorine levels in the water in direct crop contact or as water from cleaning irrigation systems applied to soil must not exceed the maximum residual disinfectant limit under the Safe Drinking Water Act, except that chlorine products may be used in edible sprout production according to EPA label directions.

- (i) Calcium hypochlorite.
- (ii) Chlorine dioxide.
- (iii) Sodium hypochlorite.

(3) Copper sulfate—for use as an algicide in aquatic rice systems, is limited to one application per field during any 24-month period. Application rates are limited to those which do not increase baseline soil test values for copper over a timeframe agreed upon by the producer and accredited certifying body.

(4) Hydrogen peroxide.

(5) Ozone gas—for use as an irrigation system cleaner only.

(6) Peracetic acid—for use in disinfecting equipment, seed, and asexually propagated planting material. Also permitted in hydrogen peroxide formulations as allowed at concentration of no more than 6% as indicated on the pesticide product label.

(7) Soap-based algicide/demossers.

(b) As herbicides, weed barriers, as applicable.

(1) Herbicides, soap-based—for use in farmstead maintenance (roadways, ditches, right of ways, building perimeters) and ornamental crops.

(2) Mulches.

- (i) Newspaper or other recycled paper, without glossy or colored inks.
- (ii) Plastic mulch and covers (petroleum-based other than polyvinyl chloride (PVC)).

(c) As compost feedstocks—Newspapers or other recycled paper, without glossy or colored inks.

(d) As animal repellents—Soaps, ammonium—for use as a large animal repellent only, no contact with soil or edible portion of crop.

(e) As insecticides (including acaricides or mite control).

- (1) Ammonium carbonate—for use as bait in insect traps only, no direct contact with crop or soil.
- (2) Aqueous potassium silicate—the silica, used in the manufacture of potassium silicate, must be sourced from naturally occurring sand.
- (3) Boric acid—structural pest control, no direct contact with organic food or crops.
- (4) Copper sulfate—for use as tadpole shrimp control in aquatic rice production, is limited to one application per field during any 24-month period. Application rates are limited to levels which do not increase baseline soil test values for copper over a timeframe agreed upon by the producer and accredited certifying body.
- (5) Elemental sulfur.
- (6) Lime sulfur—including calcium polysulfide.
- (7) Oils, horticultural—narrow range oils as dormant, suffocating, and summer oils.
- (8) Soaps, insecticidal.
- (9) Sticky traps/barriers.
- (10) Sucrose octanoate esters—in accordance with approved labeling.

(f) As insect management. Pheromones.

(g) As rodenticides. Vitamin D₃.

(h) As slug or snail bait. Ferric phosphate.

(i) As plant disease control.

- (1) Aqueous potassium silicate—the silica, used in the manufacture of potassium silicate, must be sourced from naturally occurring sand.
- (2) Coppers, fixed—copper hydroxide, copper oxide, copper oxychloride, includes products exempted from EPA tolerance, Provided, That, copper-based materials must be used in a manner that minimizes accumulation in the soil and shall not be used as herbicides.
- (3) Copper sulfate—Substance must be used in a manner that minimizes accumulation of copper in the soil.
- (4) Hydrated lime.
- (5) Hydrogen peroxide.
- (6) Lime sulfur.
- (7) Oils, horticultural, narrow range oils as dormant, suffocating, and summer oils.
- (8) Peracetic acid—for use to control fire blight bacteria. Also permitted in hydrogen peroxide formulations as allowed at concentration of no more than 6% as indicated on the pesticide product label.
- (9) Potassium bicarbonate.

(10) Elemental sulfur.

(j) As plant or soil amendments.

- (1) Aquatic plant extracts (other than hydrolyzed)—Extraction process is limited to the use of potassium hydroxide or sodium hydroxide; solvent amount used is limited to that amount necessary for extraction.
- (2) Elemental sulfur.
- (3) Humic acids—naturally occurring deposits, water and alkali extracts only.
- (4) Lignin sulfonate—chelating department, dust suppressant.
- (5) Magnesium sulfate—allowed with a documented soil deficiency.
- (6) Micronutrients—not to be used as a defoliant, herbicide, or desiccant. Those made from nitrates or chlorides are not allowed. Soil deficiency must be documented by testing.
 - (i) Soluble boron products.
 - (ii) Sulfates, carbonates, oxides, or silicates of zinc, copper, iron, manganese, molybdenum, selenium, and cobalt.
- (7) Liquid fish products—can be pH adjusted with sulfuric, citric or phosphoric acid. The amount of acid used shall not exceed the minimum needed to lower the pH to 3.5.
- (8) Vitamins, B₁, C, and E.
- (9) Sulfurous acid- for on-farm generation of substance utilizing 99% purity elemental sulfur.

(k) As plant growth regulators. Ethylene gas—for regulation of pineapple flowering.

(l) As floating departments in postharvest handling.

- (1) Lignin sulfonate.
- (2) Sodium silicate—for tree fruit and fiber processing.

Schedule-2

The following nonsynthetic substances may not be used in organic crop production:

- (a) Ash from manure burning.
- (b) Arsenic.
- (c) Calcium chloride, brine process is natural and prohibited for use except as a foliar spray to treat a physiological disorder associated with calcium uptake.
- (d) Lead salts.
- (e) Potassium chloride—unless derived from a mined source and applied in a manner that minimizes chloride accumulation in the soil.
- (f) Sodium fluoaluminate (mined).

Schedule-3

The following nonagricultural substances may be used as ingredients in or on processed products labeled as “organic” or “made with organic (specified ingredients or food group(s))” only in accordance with any restrictions specified in this section.

(a) Nonsynthetics allowed:

Acids (Alginic; Citric—produced by microbial fermentation of carbohydrate substances; and Lactic).

Agar-agar.

Animal enzymes—(Rennet—animals derived; Catalase—bovine liver; Animal lipase; Pancreatin; Pepsin; and Trypsin).

Attapulgate—as a processing aid in the handling of plant and animal oils.

Bentonite.

Calcium carbonate.

Calcium chloride.

Calcium sulfate—mined.

Carrageenan.

Dairy cultures.

Diatomaceous earth—food filtering aid only.

Egg white lysozyme

Enzymes—must be derived from edible, nontoxic plants, nonpathogenic fungi, or nonpathogenic bacteria.

Flavors, nonsynthetic sources only and must not be produced using synthetic solvents and carrier systems or any artificial preservative.

Gellan gum—high-acyl form only.

Glucono delta-lactone—production by the oxidation of D-glucose with bromine water is prohibited.

Kaolin.

L-Malic acid.

Magnesium sulfate, nonsynthetic sources only.

Microorganisms—any food grade bacteria, fungi, and other microorganism.

Nitrogen—oil-free grades.

Oxygen—oil-free grades.

Perlite—for use only as a filter aid in food processing.

Potassium chloride.

Potassium iodide.

Sodium bicarbonate.

Sodium carbonate.

Tartaric acid—made from grape wine.

Waxes—nonsynthetic (Carnauba wax; and Wood resin).

Yeast—When used as food or a fermentation department in products labeled as “organic,” yeast must be organic if its end use is for human consumption; nonorganic yeast may be used when organic yeast is not commercially available. Growth on petrochemical substrate and sulfite waste liquor is prohibited. For smoked yeast, nonsynthetic smoke flavoring process must be documented.

(b) Synthetics allowed:

Acidified sodium chlorite—Secondary direct antimicrobial food treatment and indirect food contact surface sanitizing. Acidified with citric acid only.

Activated charcoal—only from vegetative sources; for use only as a filtering aid.

Alginates.

Ammonium bicarbonate—for use only as a leavening department.

Ammonium carbonate—for use only as a leavening department.

Ascorbic acid.

Calcium citrate.

Calcium hydroxide.

Calcium phosphates (monobasic, dibasic, and tribasic).

Carbon dioxide.

Cellulose—for use in regenerative casings, as an anti-caking department (non-chlorine bleached) and filtering aid.

Chlorine materials—disinfecting and sanitizing food contact surfaces, Except, That, residual chlorine levels in the water shall not exceed the maximum residual disinfectant limit under the Safe Drinking Water Act (Calcium hypochlorite; Chlorine dioxide; and Sodium hypochlorite).

Cyclohexylamine—for use only as a boiler water additive for packaging sterilization.

Diethylaminoethanol—for use only as a boiler water additive for packaging sterilization.

Ethylene—allowed for postharvest ripening of tropical fruit and de-greening of citrus.

Ferrous sulfate—for iron enrichment or fortification of foods when required by regulation or recommended (independent organization).

Glycerides (mono and di)—for use only in drum drying of food.

Glycerin—produced by hydrolysis of fats and oils.

Hydrogen peroxide.

Magnesium carbonate—for use only in agricultural products labeled “made with organic (specified ingredients or food group(s)),” prohibited in agricultural products labeled “organic”.

Magnesium chloride—derived from sea water.

Magnesium stearate—for use only in agricultural products labeled “made with organic (specified ingredients or food group(s)),” prohibited in agricultural products labeled “organic”.

Schedule-4

Only the following non-organically produced agricultural products may be used as ingredients in or on processed products labeled as “organic,” only in accordance with any restrictions specified in this section, and only when the product is not commercially available in organic form.

(a) Casings, from processed intestines.

(b) Celery powder.

(c) Chia (*Salvia hispanica* L.).

(d) Colors derived from agricultural products—Must not be produced using synthetic solvents and carrier systems or any artificial preservative.

PUNJAB ORGANIC FARMING ACT, 2017

FORM - I

I do hereby certify that accompanying is a sample of organic product taken by me

on _____ at _____

(Specify full address) from stock incharge of _____

(State name & address of importer / manufacturer / dealer) in the presence of

(State name & address of witness). The following further particulars are given:

1. Name & brand of organic product _____
2. Name of the producer _____
3. Marks or number of packing _____
4. Information given on containers _____
5. Distinguished No. or Marking of sample _____
6. Quantity of sample _____
7. Impression of Seal as on sample _____
8. Other particulars (if any) _____

Signature of witness _____ Signature of Inspector with seal

Place _____

Date _____

Signature of the producer / dealer