

COURT FINDS IN FAVOR OF USDA IN ORGANIC CASE

On November 2, 2006, the United States District Court, District of Maine, granted USDA's "motion for relief from judgment" in response to a second lawsuit brought against the Department by Arthur Harvey.

The court denied Harvey's "motion to enforce judgment." In seeking this motion, Harvey claimed that USDA had not properly implemented the court's June 9, 2005, consent decree in the first lawsuit he brought, involving the use of synthetic materials in processed organic products. USDA claimed that a November 2005 congressional amendment to the Organic Foods Production Act (OFPA) corrected the language in the Act and relieved USDA from complying with the consent decree on that issue. The court, in this latest decision, agreed with USDA, declaring that the final judgment issued on June 9, 2005 was rendered moot by the amendments to OFPA.

The other issue in Harvey's motion asked the court to order USDA to revoke or revise a 2002 policy statement permitting the use of food contact substances in organic foods without what Harvey considered proper review. The court in part rejected Harvey's argument on food contact substances as part of the decision that the final judgment is moot. The court also stated that to the extent that the issue of food contact substances may be part of a broader argument, the court agreed with the USDA position that Harvey's request was neither encompassed by the consent decree nor the original lawsuit. The court therefore declined to render a decision on food contact substances.

The entire decision can be viewed on the USDA National Organic Program website by [following this link](#).

Questions and Answers

Q: What does this court decision mean to organic production and handling?

A: The court agreed that Congress restored the organic regulations regarding the use of synthetic substances in organic processing—in other words, business will continue as usual.

Q: What does this court decision mean in relation to the use of food contact substances in the production and handling of organic agricultural products?

A: The court did not render a decision on food contact substances; therefore, the current status remains unchanged. [Follow this link to review that policy](#).