



CCOF

Organic Certification Trade Association Education & Outreach Political Advocacy



July 12, 2010

Division of Dockets Management (HFA 305)
Food and Drug Administration
5630 Fishers Lane Room 1061
Rockville, MD 208523

Re: Docket Number FDA-2010-N-0085, Preventive Controls for Fresh Produce

CCOF is pleased to submit our comments on the above-referenced docket, "Preventive Controls for Fresh Produce." We appreciate the Agency's flexibility in extending the deadline from May to July, to accommodate the need for the many interested parties to be able to compile information that is useful and informative. We briefly reviewed many other comments that have been submitted, and agree with the ones that emphasize that FDA needs to base its decisions on sound science, needs to make the regulations easily applicable and fair, needs to maintain flexibility and needs to not put any more farmers out of work.

CCOF is a nonprofit organization founded in 1973 and is one of the oldest and largest organic certification agencies in North America. We serve as a trade association for more than 2100 certified organic producers as well as 350 supporting members, in 35 states and in 3 other countries.

New food safety legislation proposals and policy initiatives are often initiated as a response to an outbreak of a food borne illness or a public food safety problem. This was the case with the Leafy Greens Marketing Agreement (LGMA) in California. While increased regulation may well be required and advantageous, problems arise when a 'one size fits' all approach is adopted and when the implications of the new proposed legislation on all those involved in food production and processing are not fully considered.

For example, what is feasible in large scale agriculture production may not be workable for the smaller producer, and this is a particular concern for small-scale organic farmers. Similarly, food safety regulations that diminish biodiversity would be contradictory to the rules and philosophy that underpin organic farming. These topics are integral to the ongoing discussion about food safety regulations and their impact on all growers.

There are also occasions when new food safety regulations contradict or conflict with the regulations of the USDA National Organic Program (NOP), that determines what is allowed and not allowed in the production of certified organic food. Food irradiation is a good example of how a food safety solution applicable for conventional agriculture may not be allowed for certified organic agriculture.

Following is CCOF's input to the specific issues raised in the Request for Comment:

Role of "Guide to Minimize Microbial Food Safety Hazards for Fresh Fruits and Vegetables":

CCOF has many members who use a variety of good practices documents to inform and guide their individual food safety protocols. The above referenced guide may be among those. One very useful document that has been held up as a good standard within our membership is **WHOLESALE SUCCESS: A Farmer's Guide to Selling, Postharvest Handling and Packing Produce**, published by FamilyFarmed.org (<http://www.familyfarmed.org/>). Much thought went into the writing and dissemination of this document, and we recommend that the Agency reference the recommendations it contains when developing the next level of food safety regulations. It contains information about fresh produce production that will also speak to several other areas you requested comment on, including *identification and prioritization of risk factors; environmental assessment of hazards and possible pathways of contamination; and methods to tailor preventive controls to particular hazards and conditions affecting an operation.*

Impact of scale of growing operations on the nature and degree of possible food safety hazards:

Food safety is a shared responsibility. Organic food producers and handlers of **all scales** and in all regions must be concerned about providing safe food. The steps taken to assure safety must be customized for each situation, but must incorporate the principles and issues contained in this discussion and in CCOF's overall food safety policy which can be found on our website (<http://www.ccof.org/foodsafety.php>).

Possible approaches to tailoring preventive controls to the scale of an operation so that the controls achieve an appropriate level of food safety protection and are feasible for a wide range of large and small operations:

Sanitation is central in an organic system. Organic production permits anti-microbial steps to be taken to lower pathogen contamination. Processes such as pasteurization, equipment sanitation, and steam sterilization are utilized by organic food producers to assure safety of organic foods.

The common myth that manure and compost cause food safety risks in organic is NOT TRUE. There is no use of raw manure on organic crops without an extended 90 or 120 day waiting period between application and harvest. Composted manure and other materials must meet temperature, mixing, and time requirements to be used on organic crops. Properly made compost increases the microbial diversity in the soil by adding abundant organic matter and the associated good microbial populations.

Microbial balance is an effective food safety tool. In a fertile organically managed soil the diversity of microbial life creates a buffered environment in which harmful bacteria such as E. coli O157 have a difficult time competing. Beneficial microbes keep the soil balance that provides good nutrition to crop plants while keeping pathogens and harmful microbes in check.

Livestock management in an organic system avoids common food safety problems that are in conventional livestock management. Cattle in confined feeding operations are generally thought to be a major source of E. coli O157. Organic regulations do not allow confined feeding operations, nor do they allow routine use of antibiotics that can lead to E. coli strains that are resistant to antibiotics. Care is taken to remove sources of potential contamination from conventional livestock

production that is near organic farming operations by using buffer zones, drainage patterns and sufficient separation. Organic livestock may not be fed animal by-products, which have been linked to certain diseases.

We also recommend that you refer to the National Organic Coalition comments filed in January, 2009, to Docket numbers FDA-2009-D-0346, FDA-2009-D-0347, and FDA-2009-D-0348. Their work on these comments reflects a tremendous effort and a point of view that CCOF supports.

Coordination of produce food safety practices and sustainable and/or organic production methods:

It is important to remember that in an organic food production system, many of the critical elements of food safety are already addressed in the National Organic Program Rule. Since all aspects of the farming or processing operation are explained in an Organic System Plan, this is a good tool to use for elaboration of food safety protocols within each area of a farm or processing facility, ranging from inputs to harvest to post-harvest activities.

Biodiversity is an effective food safety tool. Creating a more diverse eco-system on the farm by adding hedgerows, vegetative buffers, and diversified cropping systems will in fact improve such things as microbial balance and water filtration, and will also produce more nutritious food. Environmental destruction in the name of food safety is completely contrary to organic farming principles. Wildlife has never been proven to be a significant food safety threat, and further research is needed to make a final determination that wildlife on farms actually causes human illness.

In California, an early response to the leafy greens problems, many organic producers removed hedgerows and decimated riparian habitat, in response to a perceived requirement of the California Leafy Greens Marketing Agreement to practice what is often referred to as “scorched earth” farming. These practices are in direct conflict with the NOP requirements to continually improve biodiversity and natural resources in an organic system. CCOF developed a new section for our Organic System Plan in order to help our producers work through this conflict. The OSP addition was designed to assist organic farmers with documenting on-farm practices that support biodiversity, maintain native ecological systems, and conserve natural resources. The National Organic Program (NOP) defines Natural Resources as “the physical, hydrological, and biological features of an operation, including soil, water, wetlands, woodlands, and wildlife”. The NOP rules require farmers to use production practices that maintain or improve the natural resources of their operation. As the Agency thinks about food production in a systems context, it is important to remember such facts as beneficial insects, insectivorous birds and bats, raptors, and carnivorous predators thrive in wild ecosystems and help save billions of dollars nationwide that would otherwise be spent on damaging and expensive pest control methods, methods that can also be food safety risks, as consumers eat foods that have been treated with toxic chemicals that are known to cause cancer.

In a quick review of comments already posted to this Docket Number, we note many other commenters also speak to this situation, specifically focusing on vegetative buffers as a way to filter

water, thereby improving water quality and food safety. We support the comments of other organizations that also raised this issue with you.

Records and other documentation that would be useful to industry and regulators in ensuring the safety of fresh produce:

Organic systems incorporate traceability. Certified organic producers and processors are capable of tracing their products from point of sale back to the field of origin, since they are required to keep extensive written records that are auditable at inspection. They also keep records of the sources of all inputs.

Organic producers and handlers are subject to oversight by third-party certifiers accredited by the USDA. Annual inspection, full traceability and a review of all materials used in the system helps assure food safety at each certified operation.

Other Issues:

Food safety issues are not limited to microbial contamination. Synthetic toxic pesticides are not used in organic farming, nor are heavy metals or synthetic hormones and antibiotics for livestock production. A systems approach to food safety issues is necessary, and we encourage the Agency to continue asking for input and to think outside the norms of a typical bureaucratic response to the development of additional regulations, and look at our food system as just that – a complex, vibrant, dynamic system. We also encourage you to base any new regulations on scientifically based research. Many organizations work hard to ensure that Land Grants and federal funding agencies target new research to the core issues. While it is important to look at the entire food production when determining how to regulate food safety, research emphasis should be placed on areas where there is the most potential for contamination. For example, one area of research – that creating totally sterile farming and food production systems leads to improved food safety – has been called into question. Further research is necessary on this subject, and other research areas must be also be emphasized and pursued.

In closing CCOF thanks you for the opportunity to provide input and we look forward to continuing this dialogue.

Sincerely,

Claudia Reid, Policy/Program Director
CCOF

Policy/Program Director – 1755 5th Avenue – Sacramento, CA 95818 – 916-443-6480 – Claudia@ccof.org – www.ccof.org

CCOF is a nonprofit organization founded in 1973 and is one of the oldest and largest organic certification agencies in North America. We serve as a trade association for more than 2100 certified organic producers as well as 350 supporting members, in 35 states and in 3 other countries.