Produce Safety and Regulations on Raw Manure and Compost

FDA Food Safety Modernization Act: Supplemental Notices of Proposed Rulemaking Public Meeting

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Thank you for giving the Center for Science in the Public Interest an opportunity to participate in this public meeting on aspects of the 2011 Food Safety Modernization Act. It is urgent that FDA move rapidly to complete work on these rules so the agency can implement the law, as the agency is required to do.

Food safety and public health must be the first priority of FDA in all aspects of FSMA implementation, including the new rules regarding soil amendments of animal origin (manure). So we were very surprised to see the removal of meaningful standards for the application of raw manure and compost. Under the reproposal, raw manure can be applied on areas where the covered produce are being harvested without limitation. As documented by the qualitative risk assessment that accompanied the original proposal for a nine-month waiting period for the application of raw manure and a 45 day waiting period for compost, the FDA had a robust scientific rationale for setting those standards. It is not good science, nor appropriate for public health, for FDA to simply walk away from its responsibility to set standards for this important but highly risky agricultural input. We urge you to revise the final regulation to include at a minimum interim standards for the use of raw manure and compost.

In 1998, during the development of the U.S. Department of Agriculture’s (USDA) National Organic Program (NOP), CSPI urged USDA to enact strict timeframes governing
the application of manure and the subsequent harvest of edible crops. We noted then that
the risk is particularly acute in the case of lettuce and other low-growing fruits and
vegetables that come into contact with soil and are frequently consumed raw. Life-
threatening human pathogens present in manure, like *E. coli* O157:H7 and *Salmonella*, can
cause serious illness and death for consumers, and thus any vehicle for their transmission
to food—including through manure—must be carefully monitored.

FDA has ignored an essential element of FSMA implementation by not setting an
interim standard. Having no standard is clearly not a science based approach to addressing
this hazard. The agency claims that it can develop a more scientific standard for the
application of raw manure and compost in five to 10 years. This is clearly too long to leave
consumers unprotected. FDA promised that public health protections would be enhanced,
which can only be accomplished with the adoption of a manure standard. For example,
FDA might consider as an interim measure the adoption of the existing organic standards
for manure use and applications, during the time frame while FDA is considering
alternatives. That would put traditional growers on a level-playing field with organic
growers, who already follow handling and use standards for manure that are nearly 20
years old, and have not proved a hurdle to the robust development of organic produce.