

Congress of the United States
Washington, DC 20515

November 22, 2013

The Honorable Margaret Hamburg, M.D.
Commissioner
U.S. Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993

Dear Commissioner Hamburg:

We write to express concerns about the impacts of the Food and Drug Administration's (FDA) proposed rule regarding "Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption" (RIN 0910-AG35; proposed Produce Rule) on organic agriculture. While we appreciate FDA's efforts to implement the Food Safety Modernization Act (FSMA), the proposed Produce Rule fails to meet the mandate from FSMA [21 USC 350h (A)(3)(E)] to not include any requirements that conflict with or duplicate the requirements of the National Organic Program (NOP) established under the Organic Foods Production Act of 1990.

The organic sector generates close to \$31 billion in sales and continues to be the fastest growing sector of agriculture, creating opportunities for farmers and jobs in rural communities. Organic farmers rely on compost and manure as the foundation for soil health and fertility and are prohibited from using synthetic fertilizers. Current NOP regulations require either a 90- or 120-day waiting period between untreated manure application and crop harvest depending on whether the edible portion of the crop comes in contact with the soil. Compost is not subject to any waiting period following application. Current NOP regulations also require farmers to rotate crops as part of pest and disease management.

As currently written, the proposed Produce Rule directly conflicts with certified organic production and could result in organic farmers being non-compliant with NOP regulations. FDA's proposed Produce Rule require an excessively long waiting period between application of untreated biological soil amendments such as manure and harvest of a crop. FDA is proposing to require a nine-month waiting period for untreated manure and a 45-day waiting period for compost. These intervals will significantly restrict the ability of organic farmers to rotate crops as part of the preventive pest and disease control requirements under NOP regulations. This could effectively eliminate the ability of most farmers to use manure and compost, which have been an integral part of sustainable and organic farming systems for centuries.

Furthermore, FDA fails to establish a scientific basis for the proposed intervals. FDA relies on selective science from worst-case scenarios to assess pathogen risk from manure and compost. Without an adequate scientific basis, FDA's proposed standards on biological soil amendments of animal origin seem arbitrary at best and at worst a blatant effort to ignore the framework established by FSMA for flexible, science-based minimum standards for produce safety.

In the final rule, FDA must meet the statutory requirements set forth in FSMA to not conflict with or duplicate the requirements for certified organic production. We urge FDA to align its standards for biological soil amendments with USDA organic regulations and not exceed the current application intervals for untreated manure or compost absent scientific consensus that current USDA NOP standards jeopardize public health.

Sincerely,



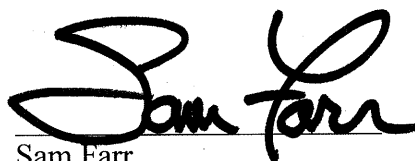
Peter DeFazio
Member of Congress



Richard Hanna
Member of Congress



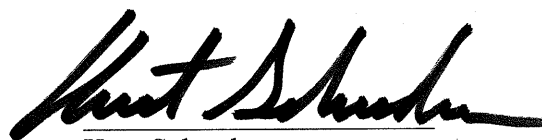
Ron Kind
Member of Congress



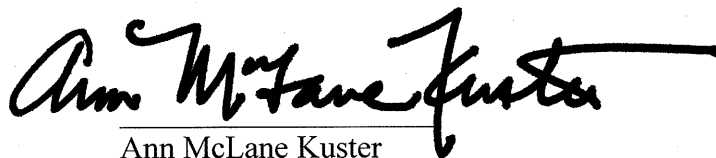
Sam Farr
Member of Congress



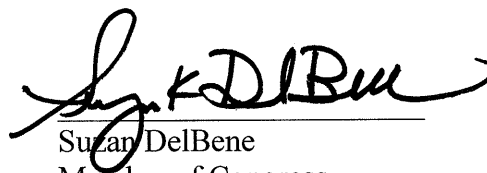
Reid Kibble
Member of Congress



Kurt Schrader
Member of Congress



Ann McLane Kuster
Member of Congress



Suzan DelBene
Member of Congress



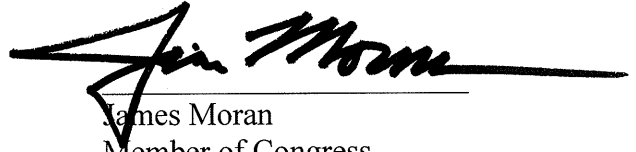
William Owens
Member of Congress



Peter Welch
Member of Congress



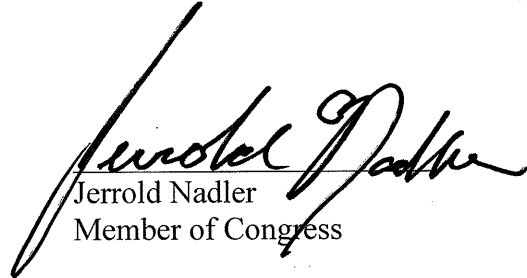
Chellie Pingree
Member of Congress



James Moran
Member of Congress



Lois Capps
Member of Congress



Jerrold Nadler
Member of Congress



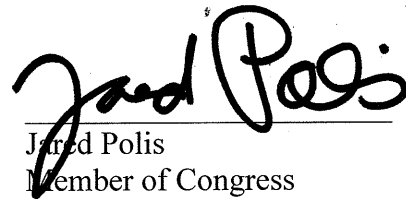
Earl Blumenauer
Member of Congress



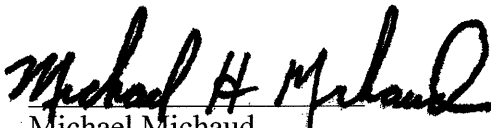
Tim Ryan
Member of Congress



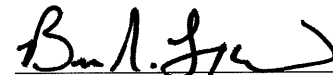
Rick Larsen
Member of Congress



Jared Polis
Member of Congress



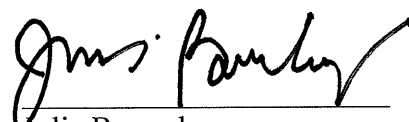
Michael Michaud
Member of Congress



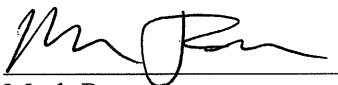
Ben Ray Lujan
Member of Congress



Suzanne Bonamici
Member of Congress



Julia Brownley
Member of Congress



Mark Pocan
Member of Congress