



State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection
Ben Brancel, Secretary

July 9, 2013

Domini Bean
Office of Information Management
Food and Drug Administration
1350 Picard Dr., PI50-400T
Rockville, MD 20850

The Wisconsin Organic Advisory Council appreciates this opportunity to comment on the proposed rules for the Food Safety Modernization Act Produce Standards (Docket No. FDA-2011-N-09213).

The Organic Advisory Council is a private sector group composed of organic farmers as well as representatives of organic processors, certifiers, consumers and non-profits. We are a standing council of the Wisconsin Department of Agriculture, Trade, and Consumer Protection. We work by partnering with state and federal agencies in the support of the organic agriculture sector in the state. The Council appreciates the efforts that have been made to address the issues of small scale producers in development of the law. We feel that there are some areas where modifications will be needed. The following are our recommendations.

Produce categories covered under the law:

- We recommend that several vegetables listed as exempt be covered under the law. In particular, beets, kale, ginger root, and asparagus are increasingly consumed fresh. These products may not be processed to a degree that bacterial contamination can be avoided and they should be handled like other fresh produce.

Coverage and exemptions:

- We support the exemptions as proposed. They provide relief from undue burden for very small businesses (those with <\$25,000 income per year over past 3 years) as well as small businesses that primarily engage in direct marketing. We agree with the Qualified Exemption of farms that have 50% of sales to "qualified end users: consumers, restaurants, retail, sell within the same state OR within 275 miles of farm, and have total sales < \$500,000.
- We suggest that the FDA include in the final rules information on how operations that have lost their exemption can appeal such a decision and reinstitute their exemption.

Animal 'products' application to produce fields

- Animal manures are an important source of fertility on organic farms. We encourage FDA to revise its rules requiring nine months between application of manure and harvest to match the 120 day rule required for organic certification. In most northern states, a nine month interval would require effectively fallowing a field for an entire season, placing an undue burden on both organic and non-organic farmers.

Agriculture generates \$59 billion for Wisconsin

2811 Agriculture Drive • PO Box 8911 • Madison, WI 53708-8911 • 608-224-5012 • Wisconsin.gov

An equal opportunity employer

- We encourage FDA to make a distinction between manure application and incorporation. The organic standards distinguish between the reduced risk of contamination associated with incorporation of manure, and reduce the harvest interval to 90 days for fields with incorporated raw manure. We recommend that the FDA rules parallel the organic standards.
- We recommend that the FSMA compost rule be revised to eliminate the 45 day waiting period, thus bringing it in line with the organic standard. Many organic farmers side dress their crops with compost and the 45 day waiting period would create an undue burden on them.
- We recommend that the FSMA final rules make a distinction between raw animal manures and other animal based fertilizers such as bone, feather, and blood meal, which are commercially processed. Many organic farmers also side dress their crops with these products which present less risk than raw manure.

Irrigation and wash water testing

We encourage FDA to consider the following issues related to the irrigation and wash water testing rules:

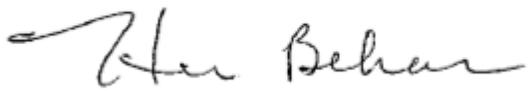
- Frequency of water testing should be risk based. If a farm has a history of low levels, less testing should be required. Twice during the growing season is probably adequate for most farms.
- The final rules should clarify how the testing requirements apply to farmers belonging to a cooperative.
- Disinfectant options should be provided. The rule specifically mentions chlorination as a disinfectant. Organic farms use other disinfectants and these should also be allowed.

Farm labor training requirements

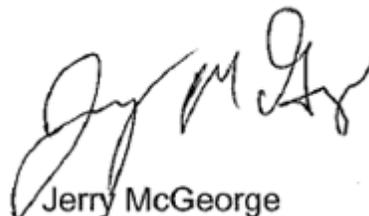
- We endorse the idea of providing food safety training for employees working on produce farms. We recommend that FDA create a program and funding for states to conduct reasonably priced GAP training for farm employees.

We commend the Food and Drug Administration for being responsive to the concerns of organic farmers, especially small scale operations, and we appreciate the opportunity to provide comments on the proposed modifications to the Food Safety Modernization Act.

Sincerely,



Harriet Behar
Co-Chair, WOAC
Education Coordinator for MOSES



Jerry McGeorge
Co-Chair, WOAC
Director of Cooperative Affairs
Organic Valley

cc. Secretary Ben Brancel, Wisconsin Department of Agriculture, Trade, and Consumer Protection