

Food Hygiene and Phytosanitary Requirements

Pacific Organic Policy Toolkit
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Food Hygiene and Phytosanitary Requirements

When reviewing the country's regulatory and other requirements for provisions that may be unfavourable to organic farmers, provisions for food and environmental hygiene and the phytosanitary requirements for imports and exports should be included.

Food and Environmental Pathogens

Food and environmental safety requirements will relate to avoiding disease outbreaks from food-borne or water-borne pathogens. Use of manure and compost is one possible avenue of microbial contamination, and in some countries there are strict regulations. The United States, where there is a high degree of political sensitivity to food-borne illnesses, is a source of several examples. In the US, restrictions on using manure and application of industrial composting requirements aimed at pathogen reduction were inserted into early drafts of the organic regulations. Some of these industrial composting provisions were ultimately relaxed, but the current composting requirements in the organic regulations are still considered by many organic sector actors as too rigid, especially for small-scale farms.¹

More recently the United States Food and Drug Administration (FDA) enacted the Food Safety Modernization Act, whose original draft was heavily criticized as being unfavourable to organic farmers. Advocacy by the Organic Trade Association and other organic sector and sustainable agriculture groups were successful to create some flexibility in the regulation for small scale and organic farmers, but it took a great effort.

In the EU, implementation of EU food hygiene regulation by Some Member States, for example in the Netherlands or some German states, have created requirements that are quite rigid and strict, producing a heavy load for small operators including farmers and food processors.

¹ The current requirements are that raw animal manure must be composted unless it is: (i) Applied to land used for a crop not intended for human consumption; (ii) Incorporated into the soil not less than 120 days prior to the harvest of a product whose edible portion has direct contact with the soil surface or soil particles; or (iii) Incorporated into the soil not less than 90 days prior to the harvest of a product whose edible portion does not have direct contact with the soil surface or soil particles. Composted must be produced through a process that: (i) Establishes an initial Carbon:Nitrogen ratio of between 25:1 and 40:1; and (ii) Maintains a temperature of between 131 °F and 170 °F for 3 days using an in-vessel or static aerated pile system; or (iii) Maintains a temperature of between 131 °F and 170 °F for 15 days using a windrow composting system, during which period, the materials must be turned a minimum of five times.

Phytosanitary Requirements for Agricultural Products

The requirements imposed by countries to protect their agriculture and environment from pests and diseases can pose (sometimes insurmountable) trade barriers for organic producers, exporters and importers. These requirements apply to all kinds of products ranging from seeds, horticultural products, spices and other organic products that are commonly traded. The critical barriers are when there are mandatory requirements for irradiation or fumigation with materials that are prohibited in organic production. For example, there are virtually no organic mangos exported from India to the US, due to the requirements of the Animal and Plant Inspection Services for both irradiation and fumigation of the fruit.

Governments seeking to support their producers for export and the growth of their domestic organic markets via import should work with their organic producers and exporters to identify the potential bottlenecks for key exported organic products. Although it may not change the importing country's requirements, it is possible to assist the organic sector to avoid pursuing export opportunities that will dead-end with a phytosanitary trade barrier. In the case of imports, particularly for seeds, Governments may identify opportunities to include alternative "organic" treatments when such are required for imports. In this respect it is essential to work closely with the organic stakeholders to ensure that effort is expended on the most important export and import products.

Regulatory flexibility, though difficult to achieve, may not be impossible for phytosanitary requirements. There is sometimes scope for export pathways to be negotiated within the Oceanic region, particularly to Australia and New Zealand. This might include alternatives to fumigation such as High Temperature Forced Air treatments. But it is prudent to negotiate workable arrangements. Mexico, where many organic farmers rely on seed supplies, including organic seeds, from US companies is an interesting case. Until recently organic farmers were unable to access organic seeds due to the mandatory fumigation requirements for export of seeds to Mexico. The issue was raised by the United States during discussions about equivalence of the US and Mexico organic regulations. As a result, Mexico has published guidelines that are more flexible to allow some approved organic materials for treatment of some seeds with conditions. However, strict requirements such as for a government verification unit to inspect the fields where organically treated seeds are planted six times during the production cycle, at the cost of the producer, are likely to raise another kind of barrier for imported organic seed. The likely effect is that organic seed access continues to be unattainable for all but the largest producers.

