

# Regarding Grazing Animals in an Orchard

- No official FDA guidance yet
- Best Option: US NOP 2002 (National Organic Program) “90/120 Day rule”
  - No soil contact: Harvest at least 90 days after application
  - Soil contact: Harvest at least 120 days after application
  - NOP is managed by USDA
- § 112.83 states that if there is reasonable possibility that grazing animals, working animals, or animal intrusion will contaminate covered produce, those subject to the rule must assess relevant areas for evidence of potential contamination of covered produce as needed during the growing season. If significant evidence of potential contamination is found during growing (such as observation of animals, animal excreta, or crop destruction), they must evaluate whether the covered produce can be harvested under § 112.112 and take measures reasonably necessary during growing to assist with identifying and not harvesting covered produce reasonably likely to be contaminated with a known or reasonably foreseeable hazard.
- § 112.134(a) requires that if those subject to the rule have domesticated animals, to prevent contamination of covered produce, food contact surfaces, areas used for a covered activity, agricultural water sources, or agricultural water distribution systems with animal waste, they must:
  - Adequately control their excreta and litter; and
  - Maintain a system for control of animal excreta and litter

<https://www.federalregister.gov/d/2015-28159/p-184>

## Domesticated and Wild Animals

○ If there is a reasonable probability that grazing animals, working animals, or animal intrusion will contaminate covered produce, require measures to assess as needed relevant areas during growing and, if significant evidence of potential contamination is found, take measures reasonably necessary to assist later during harvest when the farm must identify, and not harvest, covered produce that is reasonably likely to be contaminated with a known or reasonably foreseeable hazard (§§ 112.83 and 112.112).

SOURCE: Docket Folder [FDA-2011-N-0921](#) FSMA Final Rule on Produce Safety

Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption

FAQs Subpart I – Domesticated and Wild Animals

## ***GRAZING ANIMALS, WORKING ANIMALS, AND ANIMAL INTRUSION***

**PSR.23 If livestock are allowed to graze amongst nut or fruit trees, is it required to remove livestock from the orchard prior to harvest? If so, how many days in advance?**

FDA continues to believe that an adequate waiting period between grazing and harvest is an important consideration when, under the circumstances, there is a reasonable probability that grazing animals will contaminate covered produce. As discussed in the 2013 proposed rule and our Qualitative Assessment of Risk, domesticated animals can be a source of human pathogens. Some human pathogens of public health concern (*e.g.*, *E. coli* O157:H7) that have been associated with produce-related foodborne outbreaks can be transmitted from animals to people. Moreover, domesticated animals, due to their proximity and interaction with humans, are generally more likely to harbor zoonotic pathogens than are wild animals. The likelihood of contaminating produce with human pathogens from excreta from grazing animals is determined by numerous factors, including, but not limited to, the species of the animal and its association with human or domesticated animal activity or waste, the number of animals per unit area of land, agro-ecological conditions, the type of commodity and the time between animal grazing in fields and the harvest of produce.

However, currently available science does not allow us to identify a specific minimum time period between grazing and harvesting that is generally applicable across various commodities and farming practices. Rather, the appropriate minimum time period between grazing and harvesting would need to be determined based on the specific factors applicable to the conditions and practices associated with growing and harvesting the commodity. However, we encourage covered farms to voluntarily consider applying such waiting periods, as appropriate for the farm's commodities and operations.

Under [21 CFR 112.83](#), we are requiring that you take the same steps if, under the circumstances there is a reasonable probability that grazing animals, working animals, or animal intrusion will contaminate covered produce (21 CFR 112.83(a)). In such cases, you must assess the relevant areas used for a covered activity for evidence of potential contamination of covered produce as needed during the growing season (based on your covered produce; your practices and conditions; and your observations and experience) (21 CFR 112.83(b)(1)). If you find evidence of potential contamination during that assessment (such as observation of significant quantities of animals, significant amounts of animal excreta, or significant crop destruction), you must evaluate whether the covered produce can be harvested in accordance with the requirements of [21 CFR 112.112](#), and you must take measures reasonably necessary during growing to assist you later during harvest when under 21 CFR 112.112 you must identify, and not harvest, covered produce that is reasonably likely to be contaminated with a known or reasonably foreseeable hazard (21 CFR 112.83(b)(2)).

Assessing the growing areas as needed during the growing season will enable you to identify instances when covered produce cannot be harvested for safe consumption, such as produce that was directly exposed to animal excreta or that may be cross-contaminated during harvest (*e.g.*, contamination of covered produce by contact with a food-contact surface that contacted animal excreta). Depending on the quantity of animals, extent of animal excreta, or extent of crop destruction, the affected growing areas may be localized (for example, a specific area of the field where you allowed grazing) or more widespread. We expect that, in cases of grazing and working animals, in particular, it is more likely that affected areas will be localized because grazing or working animals are expected to be present intermittently and in known areas of the field. Once you identify produce, or an area of produce, that cannot be harvested in accordance with 21 CFR 112.112, 21 CFR 112.83(b)(2) requires you to take measures reasonably necessary during growing to assist you later during harvest in complying with the requirements of 21 CFR 112.112. For example, if you have identified an area with significant animal excreta that is likely to cross-contaminate any covered produce harvested from that area such that the area may not be harvested, you could mark that area in a manner that will ensure it is not harvested, even if weather events or other occurrences remove the animal excreta so it is not visible later during harvest. For example, you might mark such an area by placing flags outlining the affected area. This provides additional protection in the event that the evidence of animal intrusion or other animal activity is no longer visible by the time of harvest, such as if a significant rain event washes away fecal deposits.

FDA recognizes the longstanding co-location of animals and plant food production in agriculture. This rule does not prohibit the use of grazing or working animals on covered farms.