European Consortium
of the Organic-Based Fertilizer
Industry

Outstanding questions and concerns for organic-based materials in the draft fertilizing products regulation

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About ECOFI

- Producers of organic fertilizers, organo-mineral fertilizers and organic soil improvers ("organic-based fertilizers")
- Members are committed to ensuring the upstream traceability and the origin of raw material components
- Members active in most European countries, the Mediterranean and the Middle East
- The industry is dominated by SMEs

Characteristics of organic-based materials

- **Wide variety of materials** from plant and animal origin
- Many materials have a **long history of safe and beneficial use as sources of nutrients, carbon and other beneficial effects** related to plant nutrition and soil fertility including:
  - **Biological properties** – Such as favoring the development of soil microbiodiversity
  - **Chemical properties** – Such as affecting soil acidity and providing nutrients
  - **Physical properties** – Such as improving soil structure and water retention capacity
- Safety and risk assessment do not start from a blank slate because of **empirical data available from natural occurrence** of materials
- **Natural variability** of content and quality of raw materials
- **Natural degradation** of organic materials during storage, handling and use
- **Safeguards may already be applied** to the materials in other value chains from which they are sourced (e.g. HAACP in food production)

Secondary raw materials from many value chains are used to produce organic-based fertilizers (and other fertilizing products)

Value chain	Product components
Food and beverage	Plant (including seaweed) extracts hydrolysed proteins, vegetable cakes, natural polymers & starch derivatives, molasses, vinasse, marc, exhausted yeasts, coconut fibre, chaff, vegetable tops, husks, seeds & stalks, pulps & pomaces, fats & oils
Cosmetics	Plant (including seaweed) extracts, vegetable cakes
Pharmaceuticals	Plant (including seaweed) extracts, vegetable cakes
Lumber, paper and packaging	Bark, cellulose, pulp, paper, cardboard, wood fibre, sawdust, wood chips, twigs, recycled plant materials
Coal mining	Humic & fulvic acids from lignite & leonardite
Textiles	Flax shives, fibres, vegetable cakes, vegetable stones
Raising and processing livestock, birds & fish/seafood; tanning	Manure, litter, guano, etc.; eggshells; feather meal, bones, blood, meat meal, horns, intestinal contents; fish meal, shells; skins and hides, wool, fur, feathers, bristles

Plant-based materials today fall into 3 groups relative to REACH

1. **Not subject to REACH** → Materials subject only to physical processing such as grinding, water processing or other non-chemical methods
2. Materials & extracts **subject to REACH, but exempted from registration**, such as natural polymers (even when they are chemically extracted)
3. Materials & extracts that **must be REACH registered**

Other materials may be outside of the scope because they don't fall easily into the CMCs

Vegetal cakes are plant-based industrial by-products that may be chemically processed.

- They are purchased as a processed cake for incorporation into fertilizing materials.
- They are therefore industrial by-products that may include natural polymers and traces of chemicals (although ones that are often acceptable for use in food processing).
- Cakes from food processing are not currently in CMC6.

Contaminant levels are not always expressed in the relevant forms for safety

- The draft regulation proposes arsenic levels as total arsenic even though the **Commission's own work on arsenic in the food chain*** notes that only inorganic arsenic is of concern for health. Seaweeds are naturally rich in organic arsenic, but very low in inorganic arsenic, so penalized by this lack of distinction.
- Requiring labelling of **total chromium** in addition to the contaminant limit on Cr(VI) adds additional administrative burdens on companies without any related gains in health.

* https://ec.europa.eu/food/safety/chemical_safety/contaminants/catalogue/arsenic_en

Do the benefits of additional REACH requirements justify the additional "costs"?

- We agree that CE-marked fertilizing products should only be used if they ensure safe food and minimize environmental impacts.
- Fertilizers today are subject to normal REACH requirements according to tonnage band and with certain exemptions (under a "fertilizers" exposure scenario)
- REACH has been designed to ensure that registration does not disrupt supply chains.
- There is no indication that the current system fails to ensure that fertilizing products are safe:
  - Annex VI ensures registraton dossiers have 'Guidance on Safe Use', and 'Exposure routes, and
  - Globally Harmonized System on Classification, Labelling and Packaging applies regardless of tonnage band

➔ What problem is supposed to be fixed by the stricter requirements proposed in the draft?

Unintended consequences of the stricter REACH requirements

- **SME suppliers will suffer** as downstream customers shift to suppliers producing 100t+ per year who can furnish the necessary documentation.
- **Fertilising product manufacturers will be disadvantaged** in the market place for supplies compared to producers of animal feed and cosmetics.
- **Innovation will be discouraged** because test runs (often < 1t) of products would require disproportionate registration costs, regardless of whether the produce is ever fully marketed, let alone scaled up.
- Animal testing will be increased, even for small production runs for R&D when the final product is never commercialized.
- Since the Commission did not maintain the Annex V, para. 4a exemption, will **producers now have to analyze final products for substances occurring from the normal functioning of chelating agents, stabilizers, solvents**, etc. and register them post-facto?
- The same question applies to **by-products not isolated** during production (Article 6) nor imported nor placed on the market (Annex V, para. 5)
- and to **substances that occur incidental to air, environmental moisture, light** (Annex V, para. 1) or **to end use of other products** (Annex V, para 3)

➔ What are the likely costs? Do methodologies even exist for some of these analyses? How can this be workable?

Conclusions

- ➔ While the broad principles of the draft regulation are laudable, significant questions remain about how workable detailed provisions are (in their current form) for organic-based products.
- ➔ Unfortunately, the issues related to organic materials have received too little discussion in negotiations, and timelines are now tight to conclude talks before European elections.
- ➔ We recommend testing the regulation's requirements against real-life case studies and identifying issues for early revision.
- ➔ We also urge the decision-makers to resolve any "easy" issues possible before agreeing the text: tweaking language to correct the inadvertent omission of natural polymers and restoring REACH exemptions would not require significant changes to the text.

Thank you for your attention

- For more information, including ECOFI's detailed comments on the draft regulation: www.ecofi.info
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