

Feed Law Update

House Bill 5180

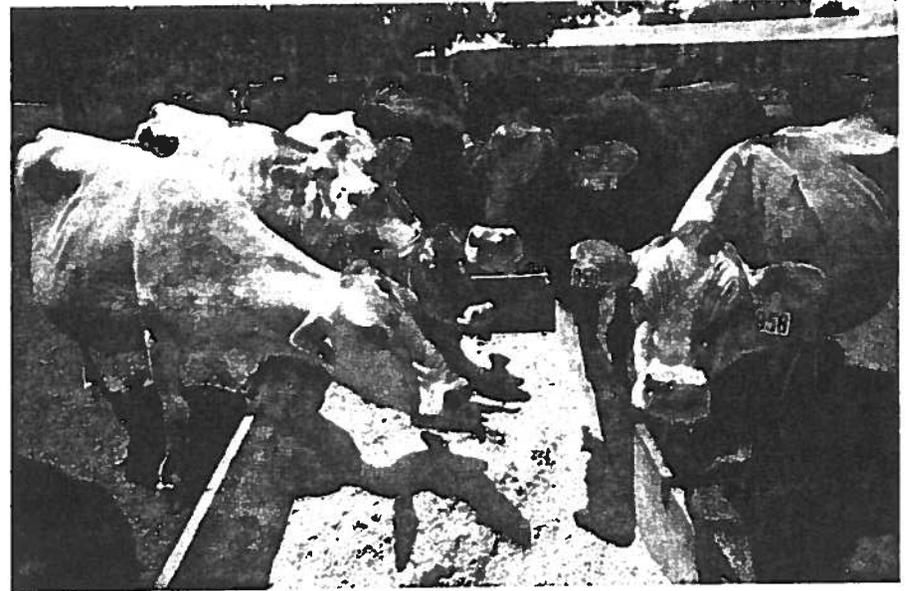


**April Hunt
Tim Lyons**

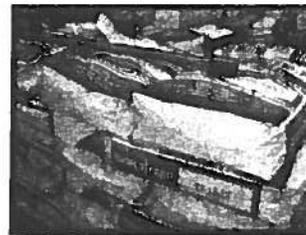
January 15, 2014

Outline

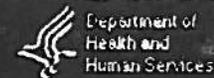
- Feed Program
 - Background
 - Feed Safety Focus Shift
 - 39 year old law
- Feed Law Stakeholder Group
- HB 5180 Highlights



Ensuring a safe and wholesome food supply and the quality of agricultural inputs including, grains, feed, animal drugs, and fertilizer ...



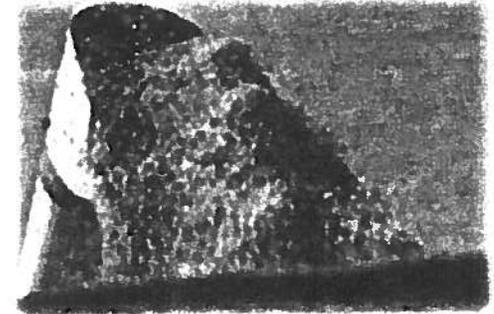
U.S. Food and Drug Administration



Feed, Remedies & Elevator Sanitation



- Protecting the food supply.
- Preventing livestock illness and death due to adulterated or misbranded feed or remedies.
- Ensuring grain and feed products are stored under sanitary conditions.
- Assuring feeds & remedies are properly labeled including approved ingredients and efficacy.
- Maintaining a level playing field for industry.



Feed Program Statistics (2012)

- 2.9 million tons manufactured/distributed in MI
- 1,280 feed manufacturers licensed
- 704 samples
- 1,060 Inspections
 - FDA Contract (BSE and cGMP medicated)
 - Feed Mill & Elevator Sanitation
 - Medicated Feed
 - Marketplace
- 12 Investigations

Recent Feed Investigations / Issues

Decoquinatate in Milk

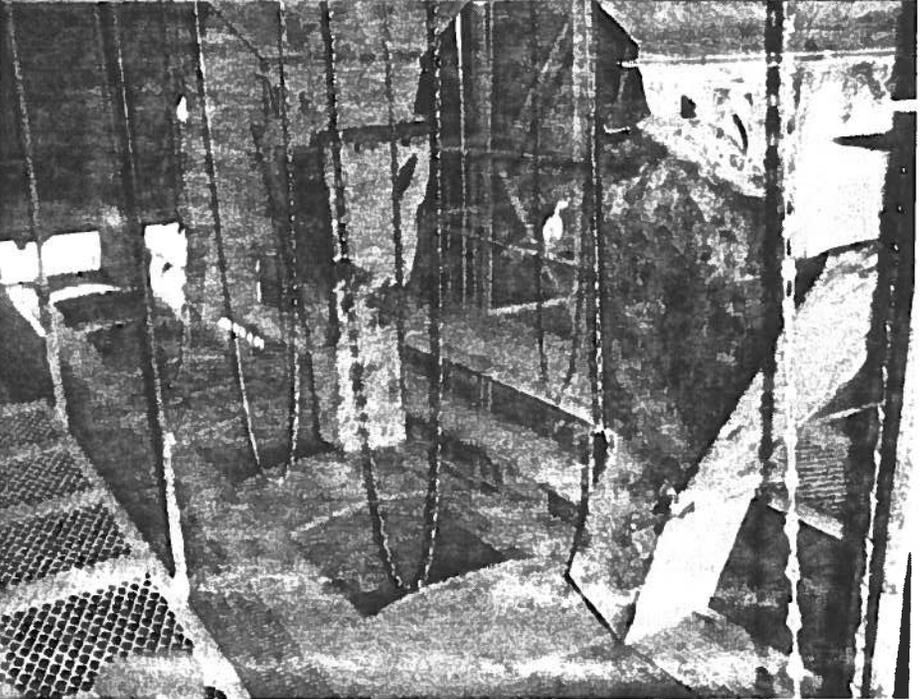
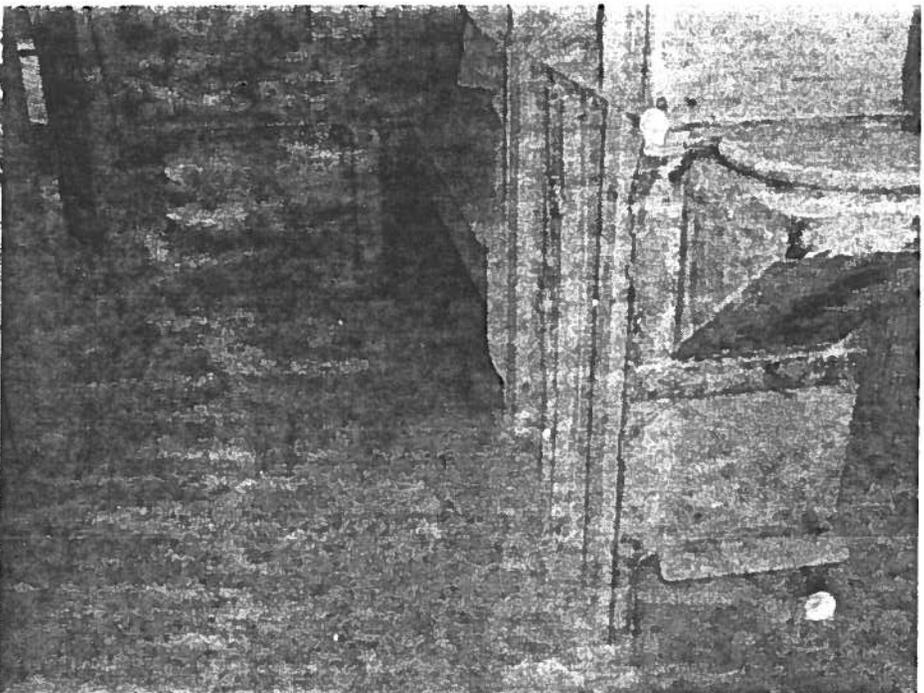
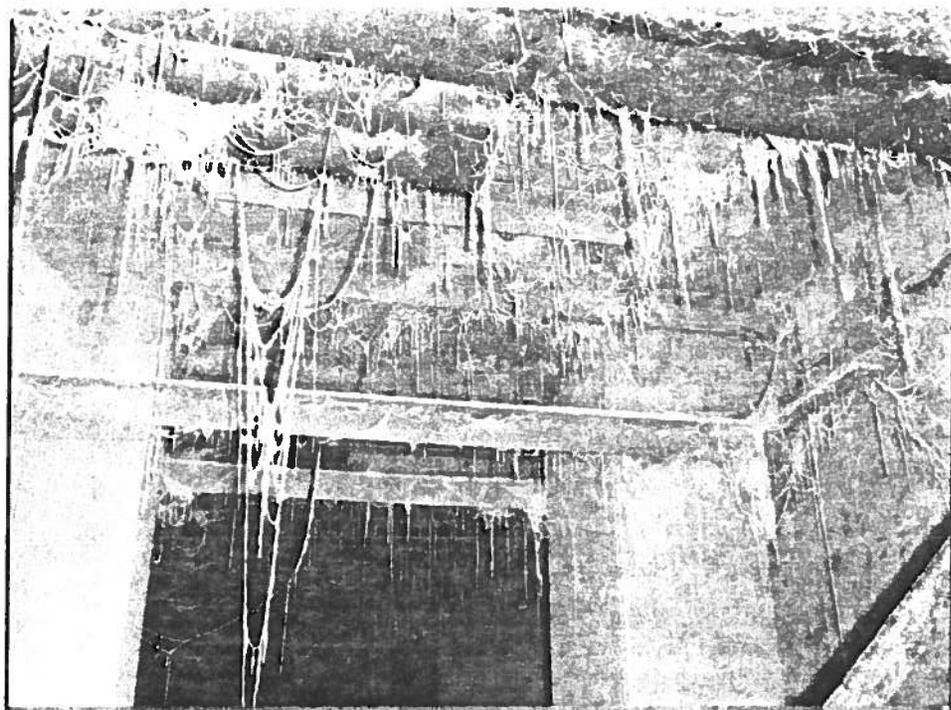
- Over 30,000 pounds of milk dumped. Laboratory method developed. Farmer back in business within 5 days.

Cattle Death from Sulfur Toxicity

- Large feed mfg.; Filed "RFR"
- Dairy farms in Clinton Co. affected (feeder calves);
- determined farmer supplementing with Sulfa drug; adulterated feed and applied.

Pulmotil in Dairy Feed

- Feed mixing error
- 400 head dairy affected

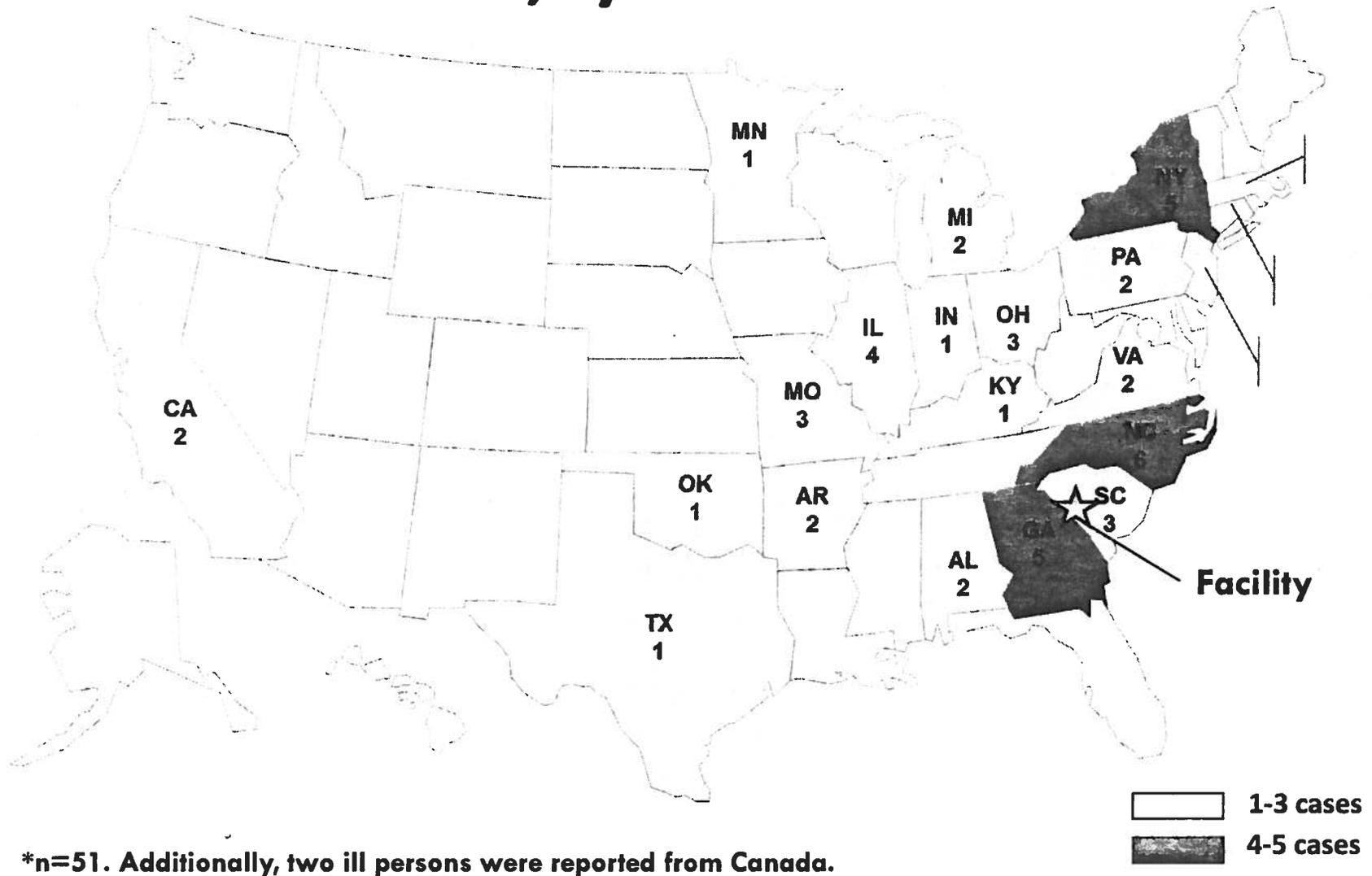


Diamond Pet Foods Recall (2012)

- April 2 – MDARD positive
 - *Salmonella* Infantis
- April 10 – human illnesses identified
- Nationwide recall
 - updated 8 times
- Over 30,000 tons of pet food
- Linked to:
 - 53 human illnesses
 - 37 animal illnesses
 - hundreds of complaints



Persons infected with the outbreak strain of *Salmonella* Infantis, by state*



Natura Pet Products Recall (2013)

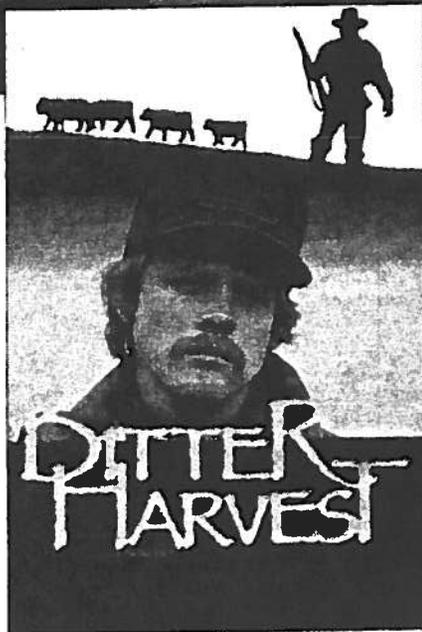
- March 14 – MDARD positive
 - EVO Turkey & Chicken Cat Food
 - *Salmonella* Livingstone
 - Parent company: Proctor & Gamble
- March 18 – 1st recall
 - MDARD & Georgia Dept of Ag continue to sample products
- Recall expanded 3 times
 - All Natura dry pet foods and treats on or before 6/10/14
- No human or animal illnesses confirmed



Authority

- Commercial Feed Law, PA 120 of 1975
 - Commercial Feed - Regulation 635 (1976)
- House Bill 5180
 - introduced December 5, 2013
 - major updates to MI Feed Law
 - deletes 3 rules in Regulation 635

Previous Law Amendment-1975



In 1973 nearly every resident in the state of Michigan was exposed to a toxic chemical.

THE POISONING OF

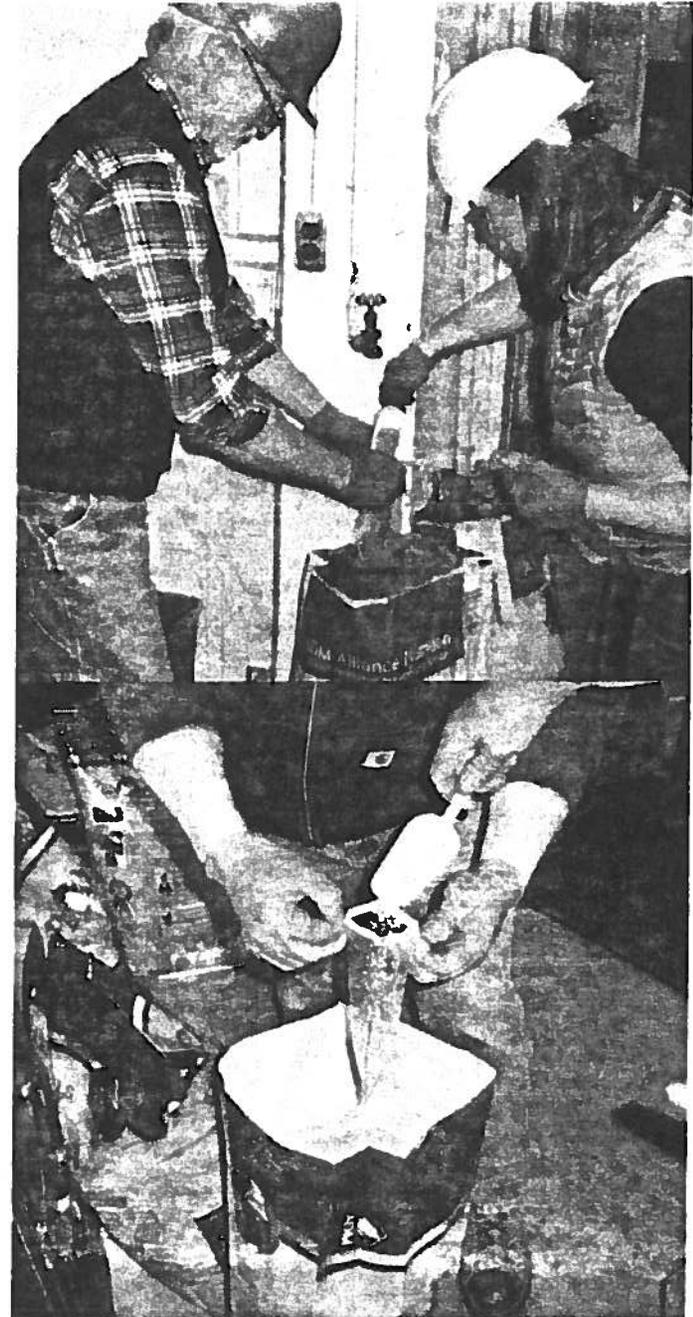
Michigan

Joyce Egginton

Afterword by David Lee Davis, Maryann Dowman, and Arthur Blum

Draft Feed Law

- 38 years in the making
 - Last update after pbb
 - Lot numbers added
- Why now?
 - Food & Feed Safety Focus
 - feed is food
 - Food Safety Modernization Act
 - Resident Agent Language
- Feed Law Stakeholder Group



HIGHLIGHTS: Draft Feed Law (HB 5180)

1. Updated Definitions
2. More in line with AAFCO Model Bill
3. Resident Agent
4. Adopts AAFCO GMPs & certain FDA regulations
 - Medicated feed, veterinary feed directives
5. Administrative Penalties
6. Fee Increases

Licensing

- Feed license for:
 - All feed manufacturers located in state
 - All commercial feed distributors (in and out of state) dist into MI
 - Feed label guarantors
 - EXEMPT: retailer, on-farm, integrated operator
- License year
 - Was January – December, Now July – June
- Resident Agent
- MDARD has 90 days to issue license
 - 60 days to notify if incomplete
- Fee now \$100/facility (was \$25)
 - \$25 for 5 lbs under packages only



Labeling

- Maintain identity and traceability of feed at all times
 - Alpha/numeric code or translated to such
- Custom formula feed label
 - Each delivery must have
 - Name of feed
 - Manufacturer's and Purchaser's name and address
 - Delivery date
 - Quantity statement
 - Complete label goes with feed or follow later: mail, e-mail, fax
 - Quantity and name of each ingredient, medicated feed labeling requirements or other precautionary statements
- Commercial feed label v. custom formula label

Tonnage

- Report annually July 1 – June 30
 - Was semi-annually
- Inspection fee (was \$0.13/ton)
 - \$0.30/ton; \$0.15/ton by-products >60% moisture
 - Minimum payment \$50
- Late fee \$50 or 10% amount due, whichever is greater
 - Was \$10 or 10% amount due
- Payments due or owed less than \$5 waived (was \$1)
- Records must be kept for 3 years

Inspections

- Inspect, review records, sample commercial and non-commercial feeds at reasonable times, limits, manner.
- On farm feed inspections based on cause and with permission
- Director may maintain a laboratory
 - was shall
- AOAC sampling or other reasonable methods
- Sample portion request within 60 days
 - was 30

Adulteration / GMPs

- Updates federal regulation references
- Removes pbb limits, falls under general adulteration
- Ability to determine limits on restricted noxious weed seeds by rule

- Adopts AAFCO Model GMPs for sanitation inspections
- Adopts FDA's regulations
 - Medicated feed GMPs
 - Veterinary Feed Directives (VFDs)

Violations / Administrative Fines & Actions

- Majority of statutory violations consolidated in one section
- By products / refurbishing
 - MDARD may approve foods not fit for human consumption to be refurbished when safe for animal feed use
- Container Reuse
 - Limitations after leaving mfg.'s control
 - No reuse after direct animal contact
- Enforcement Authority
 - Was limited with stop sale and license revocation
 - Includes admin fines, warning, restitution, civil and criminal penalties
 - New language consistent with MDARD pesticide & fertilizer laws

Other Changes

- Preemption language added
- Exports / Certificates of Free Sale
- Deletes 3 rules in Regulation 635 and incorporates them into the Feed Law

