



Feed Law Implementation FAQs

Michigan Commercial Feed Law (P.A. 120 of 1975, as amended 2015)

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Licensing

- 1. Who is subject to the late fee?** Firms that renew their feed license after June 30th are subject to a late fee. Firms that receive a violation notice with 30 days to become licensed would have a late fee, if the new license application is postmarked after the 30 day notice time period. The late fee is \$50.
- 2. Do new licensees get a late fee?** No. Only those that received a 30-day Violation Notice to become licensed from MDARD would have a late fee if they responded after 30 days are up. If the license application is late, then a late fee will be assessed.
- 3. How do you determine late and on time licenses?** It will be determined by the postmark. Envelopes postmarked with July 1 or later would be considered late.
- 4. When do specialty pet food manufacturers have to be licensed?** Before July 1 of each year.
- 5. When do in state manufacturing locations that previously had an out of state corporate office licensed need its own license?** Before July 1 of each year.
- 6. How much does a feed license cost? How do I know if I pay \$25 or \$100? Do I need both?** A feed license is \$100. Firms distributing feed in containers ONLY of 5 pounds or less have a reduced license cost of \$25. A firm does not need both types, the \$100 license will cover all package sizes (including 5 pounds and under) and bulk products.
- 7. I sell pet treats at a farmers market. Do I need to be licensed?** Yes, a license is required since the person is distributing a commercial feed product.

- **Distribute** - means either of the following: (i) To offer for sale, hold for sale, sell, exchange, or barter commercial feed. (ii) To supply, furnish, or otherwise provide commercial feed to a contract feeder or integrated operator.
- **Pet Treat** - means a commercial feed provided to an animal as a reward or snack and not intended as pet food.

8. **Do pet treats need to be made in a commercial kitchen?** No, treats can be made in a home kitchen. The kitchen is subject to a routine feed sanitation (good manufacturing practices) inspection by MDARD feed inspection staff. The sanitation inspection checklist MDARD uses during inspections is available at: www.michigan.gov/mda-feed

Definitions

1. What is an integrated operator?

MCL 287.523 (u) "Integrated operator" means a person located within this state that manufactures animal feed for other integrated operators if there is a minimum of 5% ownership by all persons involved in each aspect of the operation that supply or share feed and ingredients.

(i)"Contract feeder" means a person that is an independent contractor that feeds animals pursuant to a contract if the feed is supplied, furnished, or otherwise provided to the person.

- Feed provided to contract feeders that is manufactured by integrated operation is not commercial feed. An integrated operator does not need a feed license, unless they are distributing feed commercially to others outside their ownership.

2. What is the difference between pet and specialty pet?

- Pet - dog or cat.
- Specialty Pet - means any noncanine (dog) or nonfeline (cat) domesticated animal kept as a pet and normally confined to and maintained in a cage or tank within the owner's domicile, including, but not limited to, gerbils, hamsters, canaries, psittacine birds, mynahs, finches, tropical fish, goldfish, snakes, and turtles.

3. What products are commercial feeds?

MCL 287.523 (g) "Commercial feed" means all materials or combination of materials, including feed ingredients that are distributed or intended for distribution for use as animal feed or for mixing in animal feed. Commercial feed does not include any of the following:

(i) Unmixed whole seeds or physically altered entire unmixed seeds, as defined by United States grain standards, 7 USC chapter 3, if both of the following conditions are met:

- (A) The seeds are not chemically changed.

- (B) The seeds are not adulterated within the meaning of section 8.
- (ii) Commodities, including, but not limited to, hay, straw, stover, silage, cobs, and husks, that have undergone normal harvesting practices, that are not intermixed with other materials or chemically changed, and that are not adulterated within the meaning of section 8.
- (iii) Individual chemical compounds that are not intermixed with other materials and are not adulterated within the meaning of section 8.
- (iv) Feed provided to contract feeders that is manufactured by integrated operators that is not adulterated within the meaning of section 8.
- (v) Unmixed meat, poultry, fish, and other portions of animal carcasses to be commercially sold in their raw or natural state without further processing or packaging, except freezing or denaturing, if both of the following conditions are met:
 - (A) The products are not adulterated within the meaning of section 8.
 - (B) The products are not intended as commercial feed or for use as a feed ingredient.
- (vi) Feeder mice, other live feeder animals, and crickets that are not adulterated within the meaning of section 8.

Commercial Feeds:

- Roasted soybeans
- Grain screenings (sold for feed)
- Seed screenings (sold for feed)
- Pelletized hay
- Raw meat scraps (if claims are made or advertising as commercial feed)

Not Commercial Feeds (exempt):

- Corn
- Hay
- Individual chemical compounds (like salt)
- Grain screenings (sold for land application)
- Seed screenings (sold for land application)

4. What does chemically altered mean? Means a seed or other ingredient that has undergone some form of processing involving chemicals to change the form of that ingredient. These types of feed products are not exempt from the Michigan Feed Law.

5. What is the difference between ‘mechanically altered’ and ‘physically altered’? Mechanically and physically altered is a process where a seed has been processed by altering the original form such as grinding, rolling, crimping, etc...

*Note: Normal drying of seed (grain) for the purpose of safely storing grain is not considered altered. However, pelletizing, roasting or steaming of grain or

feed ingredients would be considered as chemically/physically altered and not exempt under the Feed Law.

6. **What are the US Grain Standards?** The definition is at: <http://www.gipsa.usda.gov/fgis/usstandards.aspx>.

U.S. Grain Standards 7 USC chapter 3 products include: Barley, Canola, Corn, Flaxseed, Mixed Grain, Oats, Rye, Sorghum, Soybean, Sunflower, Triticale, Wheat, Rice, Whole Dry Peas, Split Peas, Feed Peas, Beans.

By adding “as defined by United States Grain Standards, 7 USC chapter 3” to the definition of commercial feed it requires several seeds formerly exempt to now be licensed, labeled, and pay inspection fees. Impacted products (was exempt as a commercial feed, now included) include, but are not limited to: Cottonseed, Safflower, Thistle Seed, Peanuts, Buckwheat, Millet, Canary Seed and Rape Seed.

MDARD will enforce the “as defined by United States Grain Standards, 7 USC chapter 3” language after June 30, 2016. During the phase in process (before June 30, 2016), impacted products do not need a feed license.

7. **What is a medicated feed?** It is any animal feed containing an approved drug additive (i.e. Chlortetracycline, Tylosin, Monensin, etc.) for the intended use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals, except man; or to affect the structure or a function of the animals body.

Container/ Bag Reuse

1. **Can feed mills accept clean feed bags for reuse?** Reused bags cannot be filled inside the facility. In section 14, the feed law states “*A person shall not do or shall not cause any of the following... (k) Reuse bags, totes, or other containers for commercial feeds, including customer-formula feeds, unless the container is in, on, or upon a portable device and can be filled without entering the manufacturing facility. Containers that have been used to directly feed livestock, such as tubs, troughs, licks or other containers, shall not be refilled with feed.* This language was added to reduce the potential for animal disease transmission and other cross contamination issues. A firm may fill clean containers and reused bags outside the facility.
2. **Can I reuse feed bags inside for corn or other single ingredients?** Corn and other products that are exempt from being commercial feed may be refilled inside.

However, this practice is highly discouraged due to the potential of animal disease transmission and other contaminants.

Resident Agent

- 1. What is a Resident Agent?** Definition of a Resident Agent: someone who is appointed by the licensee to receive any documents, notices, or demands served upon the licensee. The resident agent must be a Michigan resident, a Michigan corporation, a foreign corporation with a certificate of authority to transact business in Michigan, a Michigan limited liability company or a foreign limited liability company authorized to transact business in this state.
- 2. It says a resident agent is to “receive any documents, notices, or demands served upon the licensee.” Does this mean that license renewals and tonnage report information would go to the resident agent and not the licensee?** No, correspondence will continue to go to the name and address the firm has listed as their primary contact. The resident agent is a resource in the event MDARD does not hear back from the primary contact.
- 3. Who does the resident agent requirement apply to? What does the “opt out” option mean?** The resident agent requirement applies to out-of-state licensees. Out of state licensees must appoint a Michigan resident agent or “opt out” and not select a resident agent, instead paying all costs if there was an out-of-state audit. The new language allows MDARD to conduct or contract feed tonnage audits to help maintain a level playing field. MDARD plans to conduct a majority of out of state audits remotely (calls, e-mail, mail) to mitigate the need for on-site audits at out of state locations.

Inspection Report (Tonnage)

- 1. What are the inspection (tonnage) fees?** Licensees are required to report the feed tonnage manufactured and distributed in Michigan to MDARD on an annual basis. Reports for July 1 – June 30 are due July 31 each year. MDARD mails out the forms to all licensees in June and all licensees are required to file a report, even if there is no tonnage to report. The inspection fee is \$0.30 per ton for commercial feed and \$0.15 per ton on feed ingredients that are by-products of manufacturing processes and have a moisture content equal to or greater than 60%. There is a \$50 minimum report fee.