



# Understanding the Michigan Feed Law Changes

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November 10, 2015



# Outline

- Feed Program Statistics
- Why Update?
- License and Tonnage Changes
- Highlights of Changes by Section
- Questions and Answers





# Feed Program Statistics (2014)



- 3 million tons manufactured/distributed in MI
- 1,347 feed manufacturers licensed in Michigan
  - compared to 1,198 in 2010
- 787 samples
- 1,266 Inspections
- 6 Investigations



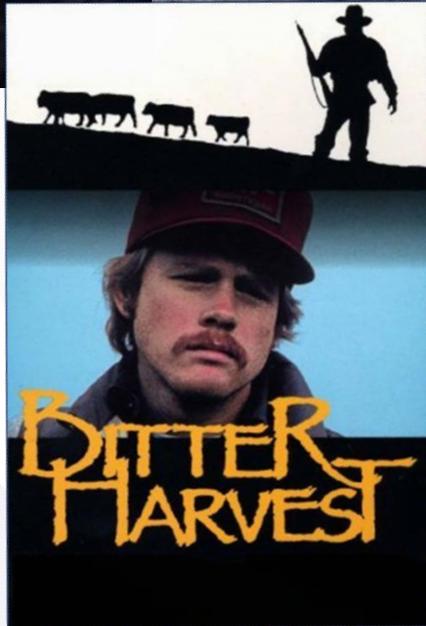
# Authority



- **Commercial Feed Law**
  - PA 120 of 1975
  - Amended under PA 83 of 2015
- **Regulation 635, Commercial Feed**
  - Promulgated in 1976
  - Set of 17 rules
  - 3 rules deleted and added to law in 2015



# 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 Devra Lee Davis, Maryann Donovan, and Arlene Blum



# Feed Law Amendment Process



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



# **HIGHLIGHTS: Draft Feed Law (HB 4451)**

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, BSE
5. Administrative Penalties
6. Fee Increases

# Michigan Feed Law Comparison

September 21, 2015

Licensing		
	Was	As of 10/1/15
Fee	\$25	\$100 or \$25 if only 5lb packages or less
Late Fee	no	\$50
Year	Jan - Dec	Jul - Jun
Max time for MDARD to issue	none	90 days 60 days to notify if incomplete application
Who	Feed manufacturer or distributor	<ul style="list-style-type: none"> <li>All commercial feed manufacturers located in state;</li> <li>All commercial feed distributors (in and out of state) distributing into MI;</li> <li>Feed label guarantor of feed within MI.</li> </ul>
Exempt	Distributor if manufacturer is licensed	<ul style="list-style-type: none"> <li>Retail only of licensed manufacturer, distributor, guarantor products</li> <li>On-farm mixer-feeder</li> <li>Integrated operator not distributing commercially</li> </ul>
Records	No specific language	2 years
Resident Agent	no	Yes or pay cost of out of state audit

Inspection (Tonnage) Fees		
	Was	As of 10/1/15
Fee	\$0.13/ton	\$0.30/ton \$0.15/ton by products over 60% moisture
Late Fee	\$10 or 10% of amount due whichever is greater	\$50 or 10% amount due whichever is greater
Minimum Fee	no	\$50
Reporting Frequency	Semi-Annual Jan-Jun ; Jul-Dec	Annual Jul-Jun
Min refund	\$1	\$5
Records	No specific language	2 years
Resident Agent	no	Yes or pay cost of out of state audit



# Definitions

**Commercial Feed:** All materials or combination of materials, including feed ingredients that are distributed or intended for distribution for use as an animal feed or for mixing in animal feed.

Exemptions include unmixed whole seeds not defined by United States Grain Standards

- Hay, straw, stover, silage, cobs and husks that have undergone normal harvesting practices.....
- Feed provided to contract feeders by integrated operators...
- Raw Meat Provision.....
- Feeder Mice and other live animals intended for feed that is not adulterated.....





# Definitions

## **Pet Food and Specialty Pet Food:**

- Pet Food is for dogs and cats.
- Specialty Pet Food is food for “caged animals”.

**Quantity Statement:** means a writing containing the net weight of a solid or net weight or net volume of a liquid.

**Labeling:** means all labels and other written, printed, electronic, or graphic matter, and includes advertising.





# Licensing

- Who:
  - All feed manufacturers located in state
  - All commercial feed distributors (in and out of state) into Michigan
  - Feed label guarantors
- EXEMPT:
  - Retail only of licensed manufacturer, distributor, guarantor products
  - On-farm mixer-feeder
  - **Integrated operator** not distributing commercially



# Definitions

**Integrated Operator:** persons located the state that mfg. feed that own a min. of 5% by all persons involved in each aspect of the operation that supply or share feed and ingredients.

**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





# 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
    - If a **drug** product is used, the purpose for the drug, the name of the active drug ingredient and the final drug level found in the mix.
  - Complete label goes with feed or follow later via mail, e-mail, fax
    - Quantity and name of each ingredient, medicated feed labeling requirements (i.e. feeding/mixing directions) or all precautionary statements associated with the feed.
- Commercial feed (branded) label v. custom formula label





# 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
- AOAC International sampling or other reasonable methods
- Sample portion request within 60 days



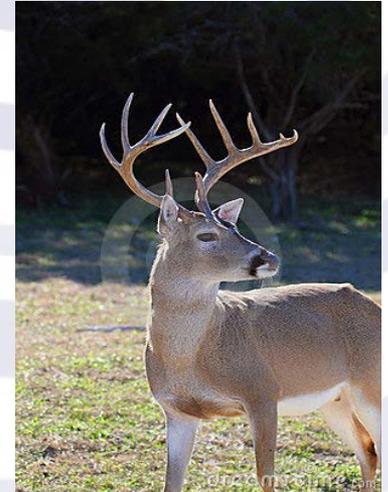
# Adulteration / GMPs

- 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)
  - BSE
- Recalls



# Prohibited Acts

- Added Container Reuse Clause
  - Limitations after leaving mfg.'s control
    - Biohazards
  - No reuse after direct animal contact
    - Tubs, licks, barrels, totes, etc.....
  - Manufacturer may develop means to fill containers with feed outside facility





# 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
- Enforcement Authority
  - Was limited with stop sale and license revocation
  - Added embargo, seizure and nuisance terms
  - Includes admin fines, warning, restitution, civil and criminal penalties
  - New language consistent with MDARD pesticide & fertilizer laws



# Other Changes

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



# Questions?



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