Feed Law Update

House Bill 5180

April Hunt
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March 5, 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 ...
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

Decoquinate 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 land applied.

Pulmotil in Dairy Feed
- Feed mixing error
- 400 head dairy affected

- 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
*n=51. Additionally, two ill persons were reported from Canada.
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
In 1973 nearly every resident in the state of Michigan was exposed to a toxic chemical.
Draft Feed Law

• 39 years in the making
  • Last update was 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