

# Feeding vs. Allowing Access

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## § 323. Definitions

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(2) "Commercial feed" means all materials except whole seeds unmixed or physically altered entire unmixed seeds, when not adulterated within the meaning of subsection 327(a) of this title, which are distributed for use as feed or for mixing in feed. The secretary by regulation may exempt from this definition, or from specific provisions of this chapter, commodities such as hay, straw, stover, silage, cobs, husks, hulls, and individual chemical compounds or substances when such commodities, compounds, or substances are not intermixed or mixed with other materials, and are not adulterated within the meaning of subsection 327(a) of this title.

## § 323. Definitions

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(3) "Customer-formula feed" means commercial feed that consists of a mixture of commercial feeds or feed ingredients, each batch of which is manufactured according to the specific instructions of the final purchaser.

(4) "Distribute" means to offer for sale, sell, exchange, or barter commercial feed or to supply, furnish, or otherwise provide commercial feed.

(5) "Distributor" means any person who distributes commercial feeds.

## § 324. Registration and fees

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a) No person shall manufacture a commercial feed in this State unless that person has first filed with the Vermont Agency of Agriculture, Food and Markets, in a form and manner to be prescribed by rules by the Secretary:

b) A person shall not distribute in this State a commercial feed that has not been registered pursuant to the provisions of this chapter. Application shall be in a form and manner to be prescribed by rule of the Secretary. The application for registration of a commercial feed shall be accompanied by a registration fee of \$105.00 per product.

## § 325. Labeling

(a) A commercial feed, except a customer-formula feed, shall be accompanied by a label bearing the following information:

- (1) the net weight;
- (2) the product name and the brand name, if any, under which the commercial feed is distributed;
- (3) the guaranteed analysis as required by rule in section 329 of this title;
- (4) the common, usual name or collective term of each ingredient used in the manufacture of the commercial feed;
- (5) the name and principal mailing address of the manufacturer or the person responsible for distributing the commercial feed;
- (6) adequate directions for use for all commercial feeds containing drugs and for such other feeds as the secretary may require by rule as necessary for their safe and effective use; and
- (7) precautionary statements required to assure the safe and effective use of the commercial feed.

Poultry Complete and Supplement Feeds for Snip

**BLUE BIRD LAYER FEED**

Complete Feed for Laying Chickens

Guaranteed Analysis

Crude Protein (Min) .....	15.0%
Lysine (Min) .....	0.65%
Methionine (Min) .....	0.35%
Crude Fat (Min) .....	3.0%
Crude Fiber (Max) .....	3.5%
Calcium (Min) .....	3.4%
Calcium (Max) .....	4.4%
Phosphorus (Min).....	0.6%
Salt (Min) .....	0.35%
Salt (Max) .....	0.50%

Ingredient Statement

Grain Products, Plant Protein Products, Processed Grain By-Products, Animal Protein Products, Vitamin A Supplement, Vitamin D3 Supplement, Vitamin E Supplement, Riboflavin Supplement, Niacin Supplement, Calcium Pantothenate, Choline Chloride, Folic Acid, Menadione Sodium Bisulfite Complex (Source of Vitamin K Activity), Methionine Supplement, Potassium Sulfate, Calcium Carbonate, Salt, Manganous Oxide, Ferrous Sulfate, Copper Sulfate, Zinc Oxide, Ethylenediamine Dihydroiodide, Sodium Selenite.

Feeding Directions:

This is a complete and balanced ration. Feed Blue Bird Layer Feed from time first egg is laid throughout the time of egg production. Always provide plenty of fresh water.

Manufactured By:  
Blue Bird Feed Mill  
City, State Zip

NET WT 50 LB (22.67 kg)

## § 327. Adulteration

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(a) A commercial feed including whole seeds shall be deemed to be adulterated if it bears or contains any poisonous or deleterious substance which may render it injurious to health, but in case the substance is not an added substance, the commercial feed shall not be considered adulterated under this subsection if the quantity of the substance in the commercial feed does not ordinarily render it injurious to health.

## § 332. Detained commercial feeds

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(a) "Withdrawal from distribution" orders. When the secretary has reasonable cause to believe any lot of commercial feed is being distributed in violation of any of the provisions of this chapter or any of the rules under this chapter, he or she may issue and enforce a written or printed "withdrawal from distribution" order, warning the distributor not to dispose of the lot of commercial feed in any manner until written permission is given by the secretary or the court. The secretary shall release the lot of commercial feed withdrawn when this chapter and rules have been complied with. If compliance is not obtained within 30 days, the secretary may begin, or upon request of the distributor or registrant shall begin, proceedings for condemnation.

## § 333. Penalties

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(a) Any person who violates any provision of this chapter, the rules promulgated under this chapter, or an order of the secretary made pursuant to this chapter shall be subject to a criminal fine not to exceed \$1,000.00. Each violation shall be a separate and distinct offense and in the case of a continuing violation each day's continuance shall be deemed a separate and distinct offense.

# Pre-consumer food waste

- Pre-consumer food waste can be blended/texturized to make high fat and or high protein animal feed by blending combinations of wet and dry materials. Some of the best food wastes that can be processed into animal feed includes:
  - Bakery Waste
  - Reject Cheese
  - Dairy Processing By-Products (ice cream, whey)
  - Potato Processing Residuals
  - Snack Food Residuals (tacos, tortillas, corn or potato chips)
  - Jams/Jellies
- Food waste can also include supermarket waste (meat trimmings, produce, deli waste), food processing waste (especially vegetable waste), and fish and cannery waste. These products are not normally considered to be by-products animal feeds.
- There are numerous other by- or co-products of other industries currently fed to animals, examples being brewers and distillers grains, beet pulp, citrus pulp, soy hulls, and cottonseed.

# Plate Waste (Post-Consumer Food Waste)

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Post-consumer food waste is plate waste that is scraped from the plate after eating. Americans generate approximately 100 pounds (wet) per capita per year.

Plate waste is unique because it requires further processing to meet mandated federal sanitation requirements called out in;

- The Federal Swine Protection Act
- The BSE Rule
- FSMA



# Food Safety Modernization Act Final Rule

Business Size	CGMP compliance date	Preventive Controls compliance date
Business other than small and very small	Sept. 19, 2016	Sept. 18, 2017
Small business (a business employing fewer than 500 full-time equivalent employees)	Sept. 18, 2017	Sept. 17, 2018
Very small business (a business averaging less than \$2,500,000, adjusted for inflation, per year, during the 3-year period preceding the applicable calendar year in sales of animal food plus the market value of animal food manufactured, processed, packed, or held without sale (e.g., held for a fee or supplied to a farm without sale)).	Sept. 17, 2018	Sept. 17, 2019

# Food Safety Modernization Act

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- Key Requirements

- Current Good Manufacturing Practices (CGMPs) established for animal food production.
  - CGMP standards for producing safe animal food
  - Processors already implementing human food safety requirements, such as brewers, do not need to implement additional preventive controls or CGMP regulations when supplying a by-product (e.g., wet spent grains, fruit or vegetable peels, liquid whey) for animal food, except to prevent physical and chemical contamination when holding and distributing the by-product.
  - Further processing a by-product for use as animal food (e.g., drying, pelleting, heat-treatment) requires companies to process the by-product in compliance with CGMPs to ensure the animal food's safety and to make sure that the processing does not introduce hazards to the animal food.

# Food Safety Modernization Act

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- Covered facilities must establish and implement a food safety system that includes an analysis of hazards and risk-based preventive controls. The rule sets requirements for a written food safety plan that includes:
  - Hazard analysis
  - Preventive controls
  - Oversight and management of preventive controls
    - Monitoring
    - Verification
  - Recall plan

# Food Safety Modernization Act

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- **Assistance to Industry**

The FDA is committed to educating industry on the new rules while it regulates. The agency is developing several guidance documents that include:

- CGMP requirements
- Hazard analysis and preventive controls
- Human Food By-Products for Use as Animal Food
- A Small Entity Compliance Guide that explains the actions a small or very small business must take to comply with the rule