WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #3

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FILED IN THE OFFICE OF
THE SECRETARY OF STATE
THIS DATE Aug 8, 1991
ADMINISTRATIVE LAW DIVISION

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Agriculture TITLE NUMBER: 61

CITE AUTHORITY 19-14

AMENDMENT TO AN EXISTING RULE: YES X NO ____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: V

TITLE OF RULE BEING AMENDED: Commercial Feed (repeal and replace)

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: ____

TITLE OF RULE BEING PROPOSED: ____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

Ken Hechler

Summary of the Commercial Feed Rule
Title 61 Series 5

This rule establishes the information to be on applications, establishes feed labeling requirements that are substantially in conformance with the Association of American Feed Control Officials model regulations, establishes the evidence that the commissioner will accept to determine if a feed ingredient is safe and effective, establishes the criteria for adulterated feed, establishes the enforcement policy and good manufacturing practices and establishes fees for non-official laboratory services.

Statement of the Circumstances
Title 61 Series 5

These rules are filed as a result of new legislation that amended the West Virginia Commercial Feed Law. These rules have substantial changes to update the rules to the model regulations of the Association of American Feed Control Officials and to implement the provisions of the amended law. Therefore the rule is submitted to repeal and replace the previous regulation.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Commercial Feed

Type of Rule: XX Legislative _____ Interpretive _____ Procedural

Agency Department of Agriculture Address Guthrie Agricultural Center
Charleston, West Virginia 25312

1. Effect of Proposed Rule	ANNUAL Increase	ANNUAL Decrease	FISCAL YEAR Current	FISCAL YEAR Next	FISCAL YEAR Thereafter
Estimated Total Cost	$	$	$	$	$
Personal Services					
Current Expense		-$16,950			
Repairs and Alterations					
Equipment					
Other Test Charges*	+$16,950				

2. Explanation of above estimates:

Rules will allow the Department of Agriculture to recover costs incurred for analyzing non-official samples at the request of individuals.

3. Objectives of these rules:

The objective of these rules is to establish guidelines for permits and registrations, label format and good manufacturing practices for commercial feeds. Labeling provisions are not substantially different from previous practice and should not increase manufacturing expenses.

*Based on average $56.50 charge per sample times 300 samples analyzed during 1990-91 fiscal year.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

The Department of Agriculture will see a recovery of testing expenses for non-official samples submitted by individuals.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens.

1. Farmers will see an estimated initial cost of $30.00 for re-use of feed feed bags in the manufacture of customer-formula feed. Number of farmers is unknown.

2. Good manufacturing practices established by law are equivalent to FDA Medicated Feed Program. Most mills in state have been on this program in previous years and were able to comply; therefore, the cost to each mill is expected to be minimal.

C. Economic Impact on Citizens/Public at Large.

Individuals who submit samples for analysis shall be required to pay a fee as established by rules. Samples throughout the 1990-91 year were tested for protein, fat, fiber, moisture, calcium and phosphorus. Individuals shall pay an average of $56.50 per sample, if the previously-mentioned elements are requested.

Date: June 26 1991

Signature of Agency Head or Authorized Representative

DATE: August 8, 1991

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: West Virginia Department of Agriculture

LEGISLATIVE RULE TITLE: Commercial Feed

1. Authorizing statute(s) citation 19-14

2. a. Date filed in State Register with Notice of Hearing:
June 26, 1991

b. What other notice, including advertising, did you give of the hearing?
Sent to (19) people, list attached:
Press release sent to all newspapers in the state;
Letter dated 7-3-91 to all feed registrants (attached)

c. Date of hearing(s): July 29, 1991 at 2pm

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached X No comments received

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)
August 8, 1991

f. Name and phone number(s) of agency person(s) to contact for additional information:
Barbara Smith 348-2226

TITLE 61
LEGISLATIVE RULE
STATE DEPARTMENT OF AGRICULTURE

SERIES V
COMMERCIAL FEED

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§61-5-1. General.

1.1. Scope - These regulations establish guidelines for permits and registrations, label format and good manufacturing practices for commercial feeds. These are Legislative regulations.

1.2. Authority - Code of West Virginia §19-14.

1.3. Filing Date -

1.4. Effective Date -

1.5. Repeal of former rule: This legislative rule repeals and replaces WV 61CSR5 "West Virginia Commercial Feed Law Regulations" filed June 1, 1976 and effective July 1, 1976.

§61-5-2. Incorporation by Reference.

2.1. The following are hereby adopted in their entirety:

2.1.a. Official Definitions of Feed Ingredients as published in the 1991 Official Publication of the Association of American Feed Control Officials, Incorporated.

2.1.b. Official Pet Food Regulations as published in the 1991 Official Publication of the Association of American Feed Control Officials, Incorporated.

2.1.c. Federal Food, Drug, and Cosmetic Act (August 1985), Sections 360(b), 406, 408(a), 409, 512, 706.

2.1.d. Title 21 Code of Federal Regulations, Parts 225, 226, 501, 510, 558, 570, 573, 582, and 584 et seq. (April 1, 1990) adopted pursuant to the Federal Food, Drug, and Cosmetic Act (August 1985).

2.1.e. Title 40 Code of Federal Regulations Parts 185 and 186 et seq. (July 1, 1990) adopted pursuant to the Federal Food, Drug, and Cosmetic Act (August 1985).

2.1.f. Federal Virus, Serum and Toxins Act of 1913 as amended December 23, 1985.

§61-5-3. Policy.

3.1. All persons distributing or using commercial feed, including retailers, wholesalers, jobbers and brokers are equally responsible for full compliance with the provisions of West Virginia Code §19-14 et seq. Any person who has in his possession any unlawful commercial feed is responsible for compliance, including registration, payment of the tonnage fee, labeling and any other legal requirement, if not performed by another person.

3.2. The following persons shall also comply with all provisions of this article and regulations issued hereunder:

3.2.a. Each person who sells or intends to sell commercial feed directly to a purchaser located within this state via mail-order catalog;

3.2.b. Each person who travels out of this state to purchase commercial feed for distribution or resale within this state; or

3.2.c. Each person who contacts a final purchaser located within this state, either verbally or in writing, to sell commercial feed.

3.3. All human food, stale human food or garbage used as feed shall be exempt from the registration, labeling, inspection fees provisions of this article; however, they shall be subject to inspection, sampling and analysis provisions of this article.

§61-5-4. Permits; Registration.

4.1 Applications:

4.1.a. The following shall be required to be completed on a "Commercial Feed Manufacturer Permit" application: company name; location; mailing address, if different; phone number; manager name; owner name; information relevant to the manufacture of a commercial feed.

4.1.b. The following shall be required to be completed on a "Commercial Feed Distributor Permit" application: company name; location(s); mailing address; phone number; contact person; owner name; source(s) of commercial feed distributed (i.e., manufacturer, previous distributor).

4.1.c. The following shall be required to be completed on a commercial feed registration application: corporate name; location; mailing address; phone number; contact person; owner name; brand and product name.

4.1.c.A. A label for each product listed on a commercial feed registration application shall accompany such application.

4.1.d. Each application for permit or registration shall be signed and dated under sworn statement by an authorized representative of such company.

4.1.e. The commissioner may request additional information on a case-by-case basis when necessary to carry out the provisions of the article or rules.

4.2. Commercial feeds generally manufactured for and categorized for non-pet use (i.e., horses, pigs, sheep, goats, trout, duck and others) or for wild animal use (i.e., wild bird food) shall not be considered as pet foods.

4.2.a. The category of other products shall be determined on a case-by-case basis as the commissioner deems necessary.

4.3 A pet food biscuit or rawhide chew manufactured in different sizes (small, medium, large) or a commercial feed manufactured in different forms (pellets, crumbles or mash) shall not be registered as different products; however, the registrant must indicate sizes and/or forms the product is manufactured in and provide labels for each product.

4.4 A person who cancels a permit or registration before the expiration date shall not be entitled to a refund of the permit or registration fee previously paid.

4.5 A person whose application for permit or registration has been refused shall receive a refund of the registration fee. A person whose permit or registration has been suspended or revoked shall not receive a refund of the previously submitted application fee.

4.6 A registrant shall give notice to the commissioner when a product shall be discontinued or removed from distribution in this state. A product no longer distributed in this state shall be registered for one additional registration period to allow for removal of product on shelves, unless the product is voluntarily withdrawn from distribution in this state by the registrant. After that period, responsibility for compliance with this article may be charged to other interested parties.

4.7 Registrations for commercial feeds distributed in packages over ten pounds and bulk on file with the commissioner before May 28, 1991 shall remain registered under provisions of this article, unless registration is cancelled by registrant or registration is revoked or suspended for cause by the commissioner.

4.8 Revisions to commercial feeds in packages over ten pounds and bulk registered before May 27, 1991 shall be reviewed and processed according to the provisions of this article.

4.9 Prior to approval of a registration application or approval of a label for commercial feed which contains additives (including drugs, other special purpose additives, or non-nutritive additives), the commissioner may require the registrant to submit evidence to prove the safety and efficacy of the commercial feed when used according to the directions furnished on the label.

4.10. Pet foods and specialty pet foods:

4.10.a. If a pet food or specialty pet food requires minor label revision(s) to conform to labeling requirements, the product shall be registered conditionally for the current registration period; however, if a label requires major revisions, the product shall be withheld from registration pending revision of labeling. An opportunity for a hearing in this matter shall be given to the applicant pursuant to West Virginia Code §19-14-7.

4.10.a.A. Minor revisions are those items that are necessary to conform to this article, but, without correction, are not likely to cause the purchaser of the product to be misinformed, such as the guaranteed analysis being listed out of order.

4.10.a.B. Major revisions may include, but are not limited to, misleading and/or contradictory claims on the label, misleading product name or other revisions that may mislead or misinform a purchaser.

4.10.b. Revisions to pet food and specialty pet food labels registered shall require a new application for registration, except that there will be no fee for a revision that involves a change in the net weight or a change in the list of ingredients.

4.10.c. All pet chews, bones, toys and exercisers (of any shape or size) made of rawhide, wood or man-made material, whether flavor-coated or unflavored, shall be exempt from registration and labeling, unless the manufacturer, in its product label or labeling, makes a claim that the product is intended for use as an animal food, or that the product provides anything of nutritional value to the animal.

§61-5-5. Labeling.

5.1. The information required in West Virginia Code §19-14-8(b)(1)-(5) must appear in its entirety on one side of the label or on one side of the container. The information required by West Virginia Code §19-14-8(b)(6)-(7) shall be displayed in a prominent place on the label or container but not necessarily on the same

side as the above information. When the information required by West Virginia Code §19-14-8(b)(6)-(7) is placed on a different side of the label or container, it must be referenced on the front side with a statement such as "See back of label for directions for use." None of the information required by West Virginia Code §19-14-8 shall be subordinated or obscured by other statements or designs.

5.1.a. The guaranteed analysis of the commercial feed as required under the provisions of West Virginia Code §19-14-8(b)(3) shall include the following items, unless exempted in part 4.1.a.L of these rules, and shall be listed in the following order:

5.1.a.A. Minimum percentage of crude protein.

5.1.a.B. Minimum or maximum percentage of equivalent protein from non-protein nitrogen, if present, as required in subsection 6.5 of these rules.

5.1.a.C. Minimum percentage of crude fat.

5.1.a.D. Maximum percentage of crude fiber.

5.1.a.E. Minerals in formula feeds, to include in the following order: minimum and maximum percentages of calcium; minimum percentage of phosphorus; minimum and maximum percentages of salt; and other minerals.

5.1.a.F. Minerals in feed ingredients as specified in the Official Definitions of Feed Ingredients.

5.1.a.G. Vitamins in such terms as specified in subsection 6.3 of these rules.

5.1.a.H. Total sugars as invert on dried molasses products or products being sold primarily for their sugar content.

5.1.a.I. Viable lactic acid producing micro-organisms for use in silages in terms specified in subsection 6.7 of these rules.

5.1.a.J. Fat products, guaranteed in the following order:

5.1.a.J.(a) minimum percentage of total fatty acids;

5.1.a.J.(b) maximum percentage of unsaponifiable matter; and

5.1.a.J.(c) maximum percentage of insoluble matter;

5.1.a.K. Guarantees as specified by the Official Definitions of Feed Ingredients.

5.1.a.L. Exemptions:

5.1.a.L.(a) Guarantees for minerals are not required when there are no specific label claims and when the commercial feed contains less than 6-1/2% of Calcium, Phosphorus, Sodium and Chloride.

5.1.a.L.(b) Guarantees for vitamins are not required when the commercial feed is neither formulated for nor represented in any manner as a vitamin supplement.

5.1.a.L.(c) Guarantees for crude protein, crude fat, and crude fiber are not required when the commercial feed is intended for purposes other than to furnish these substances or they are of minor signficance relating to the primary purpose of the product, such as drug premixes, mineral or vitamin supplements, and molasses.

5.1.a.L.(d) Guarantees for microorganisms are not required when the commercial feed is intended for a purpose other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, and when no specific label claims regarding these microorganisms are made.

5.2. Pet food labels, excluding specialty pet foods, shall conform to the Official Pet Food Regulations.

5.3. Specialty pet food labels shall conform to West Virginia Code §19-14-8.

5.4. The use of claims stating improvement or newness (i.e., new, improved, introducing, better tasting, more taste than before) should be sufficiently substantiated by the manufacturer and shall be limited to six months' production. For registration purposes, a label shall be submitted for a six-month period, with a revised label submitted after six months. No additional application or registration fee shall be required for that product during the registration period as indicated on the registration certificate.

5.5. If a customer-formula feed is sold in bags, rather than bulk, each bag is not required to be labeled, Provided that an invoice accompanies the customer-formula feed and is supplied to the purchaser at the time of delivery pursuant to West Virginia Code §19-14-8(d).

§61-5-6. Brand and Product Names.

6.1. The brand or product name must be appropriate for the intended use of the feed and must not be misleading. If the name indicates the feed is made for a specific use, the character of the feed must conform therewith. A commercial feed labeled "Dairy Feed," for example, must be suitable for that purpose.

6.2. Commercial, registered brand or trade names are not permitted in guarantees or ingredient listings and are permitted only in the product name of feeds produced by or for the firm holding the rights to such a name.

6.3. The name of a commercial feed shall not be derived from one or more ingredients of a mixture to the exclusion of other ingredients and shall not be one representing any components of a mixture unless all components are included in the name: Provided, That if any ingredient or combination of ingredients is intended to impart a distinctive characteristic to the product which is of significance to the purchaser, the name of that ingredient or combination of ingredients may be used as a part of the brand name or product name if the ingredients or combination of ingredients in quantitatively guaranteed in the guaranteed analysis, and the brand or product name is not otherwise false or misleading.

6.4. The word "protein" shall not be permitted in the product name of a feed that contains added non-protein nitrogen.

6.5. When the name carries a percentage value, it shall be understood to signify protein and/or equivalent protein content only, even though it may not explicitly modify the percentage with the word "protein": Provided, That other percentage values may be permitted if they are followed by the proper description and conform to good labeling practice. Numbers shall not be used in such a manner as to be misleading or confusing to the customer.

6.6. Single ingredient feeds shall have a product name in accordance with the designated Official Definition of Feed Ingreidents, unless the commissioner designates otherwise.

6.7. The word "vitamin," or a contraction thereof, or any word suggesting a vitamin can be used only in the name of a commercial feed which is represented to be a vitamin supplement, and which is labeled with the minimum content of each vitamin declared, as specified in subsection 6.3 of these rules.

6.8. The term "mineralized" shall not be used in the name of a feed except for "TRACE MINERALIZED SALT." When so used, the product must contain significant amounts of trace minerals which are recognized as essential for animal nutrition.

6.9. The term "meat" and "meat by-products" shall be qualified to designate the animal from which the meat and meat by-products is derived unless the meat and meat by-products are made

from cattle, swine, sheep or goats.

§61-5-7. Expression of Guarantees.

7.1. The guarantees for crude protein, equivalent protein from non-protein nitrogen, crude fat, crude fiber and mineral guarantees shall be in terms of a percentage.

7.2. Commercial feeds containing 6-1/2% or more Calcium, Phosphorus, Sodium and Chloride shall include in the guaranteed analysis the minimum and maximum percentages of calcium (Ca), the minimum percentage of phosphorus (P), and if salt is added, the minimum and maximum percentage of salt (NaCl). Minerals, except salt (NaCl), shall be guaranteed in terms of percentage of the element. When calcium and/or salt guarantees are given in the guaranteed analysis, such shall be stated and conform to the following:

7.2.a. When the minimum is 5.0% or less, the maximum shall not exceed the minimum by more than one percentage point;

7.2.b. When the minimum is above 5.0%, the maximum shall not exceed the minimum by more than 20% and in no case shall the maximum exceed the minimum by more than 5 percentage points.

7.2.c. When required, guarantees for minimum potassium, magnesium, sulfur and maximum fluoride shall be stated in terms of percentage. Other minimum mineral guarantees shall be stated in parts per million (ppm) when the concentration is less than 10,000 ppm and in percentage when the concentration is 10,000 ppm (1%) or greater.

7.3. Guarantees for minimum vitamin content of commercial feeds shall be listed on the label in the order specified and are to be stated in mg/lb unless otherwise specified:

7.3.a. Vitamin A, other than precursors of vitamin A, in International Units per pound.

7.3.b. Vitamin D-3 in products offered for poultry feeding, in International Chick Units per pound.

7.3.c. Vitamin D for other uses, International Units per pound.

7.3.d. Vitamin E, in International Units per pound.

7.3.e. Concentrated oils and feed additive premixes containing vitamins A, D and/or E may, at the option of the distributor, be stated in units per gram instead of units per pound.

7.3.f. Vitamin B-12, in milligrams or micrograms per pound.

7.3.g. All other vitamin guarantees shall express the vitamin activity in milligrams per pound in terms of the following: menadione; riboflavin; d-pantothenic acid; thiamine; niacin; vitamin B-6; folic acid, choline, biotin, inositol; p-amino benzoic acid, ascorbic acid; and carotene.

7.4. Guarantees for drugs shall be stated on the label in terms of percent by weight, except:

7.4.a. Antibiotics, present at less than 2,000 grams per ton (total) of commercial feed shall be stated in grams per ton of commercial feed.

7.4.b. Antibiotics present at 2,000 or more grams per ton (total) of commercial feed, shall be stated in grams per pound of commercial feed.

7.4.c. The term "milligrams per pound" may be used for drugs or antibiotics in those cases where a dosage is given in "milligrams" in the feeding directions.

7.5. Commercial feeds containing any added non-protein nitrogen shall be labeled as follows:

7.5.a. For ruminants:

7.5.a.A. Complete feeds, supplements, and concentrates containing added non-protein nitrogen and containing more than 5% protein from natural sources shall be guaranteed as follows:

Crude protein, minimum, _____%
(This includes not more than _____% equivalent protein from non-protein nitrogen).

7.5.a.B. Mixed feed concentrates and supplements containing less than 5% protein from natural sources shall be guaranteed as follows:

Equivalent Crude Protein from Non-Protein Nitrogen, minimum, _____%

7.5.a.C. Ingredient sources of non-protein nitrogen, such as Urea, Diammonium Phosphate, Ammonium Polyphosphate Solution, Ammoniated Rice Hulls, or other basic non-protein nitrogen ingredients defined by the Association of American Feed Control Officials shall be guaranteed as follows:

Nitrogen, minimum, _____%
Equivalent Crude Protein from Non-Protein Nitrogen, minimum, _____%

7.5.b. For non-ruminants:

7.5.b.A. Complete feeds, supplements and concentrates containing crude protein from all forms of non-protein nitrogen, added as such, shall be labeled as follows:

Crude protein, minimum, _____%
(This includes not more than _____% equivalent crude protein which is not nutritionally available to (species of animal for which feed is intended).

7.5.b.B. Premixes, concentrates or supplements intended for non-ruminants containing more than 1.25% equivalent crude protein, from all forms of non-protein nitrogen, added as such, must contain adequate directions for use and a prominent statement:

WARNING: This feed must be used only in accordance with directions furnished on the label.

7.6. Mineral phosphatic materials for feeding purposes shall be labeled with the guarantee for minimum and maximum percentage of calcium (when present), the minimum percentage of phosphorus, and the maximum percentage of fluorine.

7.7. Guarantees for microorganisms shall be stated on the label in colony forming units per gram (CFU/g) when directions are for using the product in grams, or in colony forming units per pound (CFU/lb) when directions are for using the product in pounds. A parenthetical statement following the guarantee shall list each species in order of predominance.

7.8. The sliding-scale method of expressing guarantees (for example, "Protein 15-18%") is prohibited.

§61-5-8. Ingredient Statement

8.1. The name of each ingredient must be shown in letters or type of the same size.

8.2. No reference to quality or grade of an ingredient shall appear in the ingredient statement.

8.3. The term "dehydrated" may precede the name of any product that has been artificially dried.

8.4. A single ingredient product defined by the Official Definitions of Feed Ingredients is not required to have an ingredient statement.

8.5. Tentative definitions for ingredients as listed in the 1991 Official Publication of the Association of American Feed Control Officials shall not be used until adopted as official by the Association unless no official definition exists, or the ingredient has a common accepted name that requires no definition, (i.e., sugar).

8.6. When the word "iodized" is used in connection with a feed ingredient, the feed ingredient shall contain not less than 0.007% iodine, uniformly distributed.

8.7. When water is added in the preparation of canned pet foods, water must be listed as an ingredient.

8.8 Food additives and ingredients generally recognized as safe pursuant to 21 CFR Parts 573, 582 and 584, respectively, shall be permitted in the ingredient statement.

§61-5-9. Directions for Use and Precautionary Statements.

9.1. Directions for use and precautionary statements on the label or labeling of all commercial feeds and customer-formula feeds containing additives (including drugs, special purpose additives, or non-nutritive additives) shall:

9.1.a. Be adequate to enable safe and effective use for the intended purposes by users with no special knowledge of the purpose and use of such articles; and,

9.1.b. Include, but not be limited to, all information described by all applicable regulations under 21 CFR, Parts 501, 510 and 558.

9.2. If the commercial feed contains more than 8.75% of equivalent crude protein from all forms of non-protein nitrogen, added as such, or the equivalent crude protein from all forms of non-protein, added as such, exceeds one-third of the total crude protein, the label shall bear adequate directions for the safe use of feeds and a precautionary statement: "CAUTION: USE AS DIRECTED." The directions for use and the caution statement shall be in type of such size so placed on the label that they will be read and understood by ordinary persons under customary conditions of purchase and use.

9.3. Adequate directions for use and precautionary statements necessary for safe and effective use are required on commercial feeds distributed to supply particular dietary needs or for

supplementing or fortifying the usual diet or ration with any vitamin, mineral, or other dietary nutrient or compound.

9.4. On labels, such as those for medicated feeds which bear adequate feeding directions and/or warning statements, the presence of added non-protein nitrogen shall not require a duplication of the feeding directions or the precautionary statements as long as those statements include sufficient information to ensure the safe and effective use of this product as formulated.

§61-5-10. Non-Protein Nitrogen

10.1. Urea and other non-protein nitrogen products defined in the Official Definitions of Feed Ingredients are acceptable ingredients only in commercial feeds for ruminant animals as a source of equivalent crude protein.

10.2. Non-protein nitrogen defined in the Official Definitions of Feed Ingredients, when so indicated, are acceptable ingredients in commercial feeds distributed to non-ruminant animals as a source of nutrients other than equivalent crude protein. The maximum equivalent crude protein from non-protein nitrogen sources when used in non-ruminant rations shall not exceed 1.25% of the total daily ration.

§61-5-11. Evidence of Safety and Efficacy

11.1 The commissioner shall accept the following as satisfactory evidence of safety and efficacy of a commercial feed:

11.1.a. When the commercial feed contains additives, the use of which conforms to the requirements of 21 CFR Parts 570, 573 and 584 or which are "prior sanctioned" or "informal review sanctioned" or "generally recognized as safe" for such use.

11.1.a.A. "Additive" is defined as an ingredient or combination of ingredients added to the basic feed mix or parts thereof to fulfill a specific need. Additives are usually used in micro quantities and require careful handling and mixing for safe and effective use.

11.1.b. When the product is itself a drug as defined in West Virginia Code §19-14-2(j) and is generally recognized as safe and effective for the labeled use or is marketed subject to an application approved by the Federal Food, Drug, and Cosmetic Act, Section 360(b).

11.1.c. When one of the purposes for feeding a commercial feed is to impart immunity (that is to act through some immunological process the constituents imparting immunity have been

approved for the purpose through the Federal Virus, Serum and Toxins Act of 1913.

11.1.d. When the commercial feed is a direct fed microbial product and:

11.1.d.A. The product meets the particular fermentation product definition; and

11.1.d.B. The microbial content statement, as expressed in the labeling is limited to the following: "Contains a source of live (viable) naturally occurring microorganisms." This statement shall appear on the label; and

11.1.d.C. The source is stated with a corresponding guarantee expressed in accordance with subsection 6.7 of these rules.

§61-15-12. Adulteration.

12.1 A commercial feed shall be deemed to be adulterated:

12.1.a. 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, such commercial feed shall not be considered adulterated under this subsection if the quantity of such substance in such commercial feed does not ordinarily render it injurious to health; or

12.1.b. If it bears or contains any added poisonous, added deleterious, or added nonnutritive substance which is unsafe within the meaning of Section 406 of the Federal Food, Drug, and Cosmetic Act (other than one which is a pesticide chemical in or on a raw agricultural commodity or a food additive); or

12.1.c. If it is, or it bears or contains any food additive which is unsafe within the meaning of Section 409 of the Federal Food, Drug, and Cosmetic Act; or

12.1.d. If it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of Section 408(a) of the Federal Food, Drug and Cosmetic Act; Provided, That where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or a tolerance prescribed under Section 408 of the Federal Food, Drug and Cosmetic Act and such raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating, or milling, the residue of such pesticide chemical remaining in or on such processed feed shall not be deemed unsafe if such residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and

the concentration of such residue in the processed feed is not greater than the tolerance prescribed for the raw agricultural commodity unless the feeding of such processed feed will result or is likely to result in a pesticide residue in the edible product of the animal, which is unsafe within the meaning of Section 408(a) of the Federal Food, Drug and Cosmetic Act; or

12.1.e. If it is, or it bears or contains any color additive which is unsafe within the meaning of Section 706 of the Federal Food, Drug and Cosmetic Act; or

12.1.f. If it is, or it bears or contains any new animal drug which is unsafe within the meaning of Section 512 of the Federal Food, Drug and Cosmetic Act.

12.1.g. If any valuable constituent has been in whole or in part omitted or abstracted therefrom or any less valuable substance substituted therefore.

12.1.h. If it contains a drug and the methods used in or the facilities or controls used for its manufacture, processing, or packaging do not conform to current good manufacturing practices to assure that the drug meets the requirements of this article as to safety and has the identity and strength and meets the quality and purity characteristics which it purports or is represented to possess.

12.1.i. If it contains the following poisonous, deleterious or nonnutritive substances as herein defined:

12.1.i.A. Fluorine and any mineral or mineral mixture which is to be used directly for the feeding of domestic animals and in which the fluorine exceeds 0.20% for breeding and dairy cattle; 0.30% for slaughter cattle; 0.30% for sheep; 0.35% for lambs; 0.45% for swine; and 0.60% for poultry.

12.1.i.B. Fluorine bearing ingredients when used in such amounts that they raise the fluorine content of the total ration (exclusive of roughage) above the following amounts: 0.004% for breeding and dairy cattle; 0.009% for slaughter cattle; 0.006% for sheep; 0.01% for lambs; 0.015% for swine and 0.03% for poultry.

12.1.i.C. Fluorine bearing ingredients incorporated in any feed that is fed directly to cattle, sheep or goats consuming roughage (with or without) limited amounts of grain, that results in a daily fluorine intake in excess of 50 milligrams of fluorine per 100 pounds of body weight.

12.1.j. If it is or contains soybean meal, flakes or pellets or other vegetable meals, flakes or pellets which have been extracted with trichlorethylene or other chlorinated solvents.

12.1.k. If it contains sulfur dioxide, sulfurous acid, and salts of sulfurous acid when used in or on feeds or feed ingredients which are considered or reported to be a significant source of vitamin B1 (Thiamine).

12.1.l. All screenings or by-products of grains and seeds containing weed seeds, when used in commercial feed or sold as such to the ultimate purchaser, shall be ground fine enough or otherwise treated to destroy the viability of such weed seeds so that the finished product contains no viable weed seeds per pound.

12.1.m. If it is packaged in bags which are not adequately cleaned to remove residues of potential adulterants which may be harmful to animals.

12.2. Tolerances for pesticide residues in commercial feed shall be those specified in 40 CFR Parts 185 and 186.

§61-5-13. Laboratory services.

13.1 Laboratory facilities are available for analysis of feed, hay, grass or silage samples for interested persons on a non-official basis.

13.2. Charges for such non-official tests shall be those in Table 61-5-A.

13.3. No charge will be assessed to a person for an official sample taken by the commissioner in the course of carrying out the powers and duties under §19-14-3 of the article.

§61-5-14. Powers and Duties of the commissioner.

14.1 When sample collection by the commissioner destroys the saleability of the product (for example, when an entire package must be collected for analysis), the commissioner shall offer to pay the custodian of the product an amount no more than the wholesale cost of that product to that retailer.

§61-5-15. Enforcement Policy.

15.1. First Notice -- If the sample is found to be violative, a first notice shall be issued and an embargo ordered for the lot of commercial feed may be issued to the custodian of the lot sampled. A resample of a different lot shall be taken by the commissioner.

15.2. Second Notice -- If the resample is found to be violative, a second notice shall be issued and an embargo ordered

for the lot of commercial feed shall be issued to the custodian of the lot sampled. A resample of a different lot shall be taken by the commissioner.

15.3. Third Notice -- If the resample is found to be violative, a third notice shall be issued and general embargo order issued to the registrant. A general embargo order shall require all commercial feed of the same brand and product to be removed from sale or distribution within the state until released.

15.4. If a resample indicates the commercial feed is in compliance, the violation will be closed.

15.5. A series of violations will be assessed based on a twelve-month period.

§61-5-16. Good Manufacturing Practices.

16.1. For the purposes of enforcement of West Virginia Code §19-14-10, the commissioner adopts the following regulations as current good manufacturing practices:

16.1.a. The regulations prescribing good manufacturing practices for Type B and Type C medicated feeds as published in the 21 CFR 225.1-225.115 for which a medicated feed application is required by the Food and Drug Administration.

16.1.b. The regulations in 21 CFR 225.2 and 225.120 through 225.202 shall apply to facilities manufacturing solely medicated feeds for which approved medicated feed applications are not required.

16.2. Feed bags may be re-used for a customer-formula feed, Provided that only the customer furnishes the used bags to the manufacturer and that the re-use of these bags will not adulterate the commercial feed pursuant to West Virginia Code §19-14-10.

16.3. The re-use of bags that have been adequately cleaned, so that the use of such bags is not likely to cause adulteration of the feed, shall be permitted.

APPENDIX

TABLE 61-5-A

Charges for tests on non-official samples

Alflatoxin (screen test)	$25.00 per sample
Ash	$7.60 per sample
Calcium	$7.90 per sample
Crude fat	$6.30 per sample
Crude fiber	$10.10 per sample
Magnesium	$7.90 per sample
Moisture - oven	$4.40 per sample
Phosphorus	$12.60 per sample
Protein - Kjeidahl	$7.30 per sample
Total Digestible Nitrogen	$46.60 per sample

COMMERCIAL FEED REGULATIONS

RESPONSE TO COMMENTS RECEIVED

No one appeared at the hearing held on July 29, 1991 at 2PM. No oral comments were received.

Written comments were received from nine persons. The summary of the comments and the agency response is included in the memo that follows.

STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE

State Capitol
Charleston, WV 25305

Cleve Benedict
Commissioner

M E M O R A N D U M

TO: Legislative Rule-Making Committee

FROM: Barbara J. Smith, Director
Compliance Division

SUBJECT: **COMMERCIAL FEED REGULATIONS COMMENTS**

DATE: July 30, 1991

==========

Written comments regarding revisions to the commercial feed regulations were received from the following:

Lee Boyd, American Feed Industry Association (AFIA)
D. M. Ketcham, QC/Regulatory Manager, Cargill, Nutrena Feed Division
Charles W. Klinger, Director of Regulatory Compliance, Central Soya
Max W. Churchill, Chairman, Feed Control Committee, American Feed Industry Association, Kent Feeds, Inc.
Patrick L. Cox, Quality Assurance and Regulatory Compliance Manager, Land O'Lakes
Doris Hoener, Mgr., State Feed & Pesticide Regulatory Compliance, Moorman Manufacturing Company
Duane H. Ekedahl, Executive Director, Pet Food Institute
R. E. Broyles, Director, Regulatory, Quality & Safety, Purina Mills, Inc.
Roy E. Jones, Manager, Quality Control, Feed Division, Southern States Cooperative, Inc.

Both Purina Mills, Inc. and the American Feed Industry Association concur with comments made by Charles Klinger of Central Soya.

Regulation 4.3 regarding pet Foods and Specialty Pet Foods

Chuck Klinger of Central Soya recommended moving Regulation 4.3 to 4.10 as he was unclear as to whether 4.5 through 4.10 still applied to pet foods or to all other commercial feeds.

Rule amended per written comment for clarity.

Regulation 4.7

Mr. Klinger also felt that requiring a company to register commercial feeds for additional year after discontinuance was merely a "revenue-raising objective." He felt that this section should be deleted.

Rule not amended as company may also voluntarily remove the product from the shelves; therefore, is not required to register. This rule delineates the limits of responsibility for registration for the registrant.

Regulation 4.1.e.

New rule added by agency to allow the commissioner to request additional information as necessary on a case-by-case basis.

Regulation 5.1.a.L.(a)

Doris Hoener and Duane Ekedahl recommended revising this rule to be consistent with recommended wording in Regulation 7.2.

Rule amended per written comment from Doris Hoener.

Regulation 7.2.

Written comments received from Central Soya, Southern States, Moorman Manufacturing Company, Land O'Lakes, Kent Feeds and Cargill requested that this particular regulation be revised in order to maintain uniformity in interstate commercial feed distribution. Central Soya and Kent Feed recommend that the 1987 regulation adopted by AAFCO be used in place of the current wording.

Rule amended per written comments.

Regulation 8.5.

All written comments received were concerned with the wording of this regulation. The regulation, as written, is not AAFCO language and the companies request that the AAFCO language be adopted:

Rule amended per written comments.

In addition, Moorman Manufacturing addressed the issue of referencing the 1991 Official Publication and questioned whether it was appropriate.

Rule not amended as agency has adopted specific editions by reference.

Regulation 8.8

Doris Hoener, of Moorman Manufacturing, suggested including an additional section to this list. She stated that 21 CFR 584 is the listing of materials FDA has affirmed as GRAS. As of this writing, only ethyl alcohol containing ethyl acetate is listed.

Rule amended per written comment.

Regulation 11. Evidence of Safety and Efficacy.

Chuck Klinger of Central Soya did not "...understand the purpose of an attempt to define 'evidence of safety and efficacy.' It is inherent in the adulteration and misbranding sections of the Law that commercial feeds shall not contain unapproved or unsafe substances."

Rule not amended as agency feels that if evidence of safety and effectiveness were submitted, the manufacturers would need guidelines regarding what data would be acceptable.

Regulation 11.1.a.A.

Mr. Klinger also felt that a definition for "additive" was unnecessary as it is not defined in the law and the word is used by FDA throughout industry under different meanings.

Rule not amended as agency feels that this definition is proper and necessary for enforcement.

Regulation 11.1.b.

Mr. Klinger wrote that 11.1.b is incorrect as a commercial feed cannot in itself be a drug.

Rule amended per written comment.

Regulation 15.1

All companies who responded pointed out that a mandatory embargo on a first notice does not take into account a company's track record or a particular feed's track record. They felt that the Commissioner should have the authority to embargo on first notices in particular cases, but not all cases.

Rule amended per written comment.

Regulation 15. Good Manufacturing Practices.

Ms. Hoener pointed out that this should be renumbered to Section 16. Enforcement Policy is already 15.

Rule corrected per comment.

Regulation 16.1.a.

Doris Hoener, Chuck Klinger and Roy Jones were confused as to why the reference to 225.58 was cited. Doris, in particular, stated that the regulation, as worded, would "...cause an unnecessary burden on many small feed mills and on-the-farm mixers." She cited 21 CFR 225.1(b)(2), which makes more sense.

Rule amended per comment. Wording from federal regulations has been adopted.

Regulation 15.2

Patrick Cox of Land O'Lakes rejects and Max Churchill questions the idea of reusing feed bags.

Rule partially amended for clarity. Farmers are allowed to re-use bags when purchasing customer-formula feed.

:feedreg4.com

JUL 0 8 1991

CENTRAL SOYA P.O. Box 1400, Fort Wayne, Indiana 46801-1400

July 2, 1991

Ms. Barbara J. Smith
Director of Compliance
WV Department of Agriculture
1900 Kanawha Boulevard, East
Charleston, WV 25305-0170

Re: Title 61
Legislative Rule
WV Department of Agriculture

Series V
Commercial Feed

Dear Barbara:

We will be unable to attend the public hearing on Monday, July 29th concerning adoption of the emergency rules, and request that these comments be made a part of the record.

We have closely compared the proposal with the AAFCO Model Regulations and those of other states. The majority of provisions are uniform or non-controversial and no comments are needed. The following, however, identifies those provisions for which we have serious concerns or where changes are needed to provide for more efficient regulation.

Re 7.2 thru 7.2.a.C. This has language adopted from the AAFCO Official Rules and Regulations [Reg. 4(b) & (b1) mandating guarantees for calcium, phosphorus and salt in all commercial feeds.

It is very critical that this language be deleted and replaced with the previous AAFCO provision (copy attached).

As you may be aware, the present AAFCO provision was recommended by Dr. Eli Miller and adopted by AAFCO over the strenuous objections of the feed industry. It has been so controversial that no other state has attempted to adopt this new language.

The primary consideration is that of non-uniformity of mandatory guarantees. It would prohibit the interstate commerce of a high volume of commercial feed which today can utilize labeling that is uniform in all states.

Re 8.5. This is not AAFCO language and would preclude the use of a tentative definition in the absence of any previous official definition. The effect would be that an ingredient would be acceptable in all states except West Virginia. Please adopt Uniform Rule 5(f).

Re 15.1.a. There appears to be confusion in the referenced GMP regulation numbers. For example, 225.1 affects both registered and non-registered drug establishments. Parts 225.10 thru 225.115 apply to registered mills. Parts 225.120 thru 225.202 apply to non-registered mills. It is unclear why there is reference to 225.58.

Re 4.3. Although this is titled as Pet Foods and Specialty Pet Foods, it becomes unclear from 4.5 thru 4.10 as to whether these provisions still apply to pet foods or to all other commercial feeds.

We do not know of any other state that requires any commercial feed to be registered for an additional year after discontinuation. This appears to be solely a revenue-raising objective and should be deleted. There is always a probability of discontinued feeds being distributed locally after the last shipment is made by the manufacturer or guarantor. The registrants should anticipate whether it is likely that such product will remain in channels and register accordingly. If such product is found, the registrant should be given an opportunity to submit a renewed registration. Otherwise, this will result in an unnecessary cost to register products that are not intended to be in distribution.

Re 61-5-11. We do not understand the purpose of an attempt to define "evidence of safety and efficacy." It is inherent in the adulteration and misbranding sections of the Law that commercial feeds shall not contain unapproved or unsafe substances. Further it does not appear that a definition of "Additive" serves any purpose. It is not defined in the Law and is used by FDA throughout industry under different meanings. Finally, we do not believe the statement in 11.1.b is correct. A commercial feed cannot in itself be a drug.

Re 15.1. We note that it will be mandatory for the Department to issue a stop sale when there is any assay result out of limits. This precludes an error on the part of the Department laboratory, in sampling, in correct feed identification, degree of violation, significance of violation, etc. In our experience, the best feed control is one that allows judgement to be used on an

ad hoc basis. Punitive measures are needed when a manufacturer or registrant does not make corrections or is uncooperative. We believe the word "shall" should be replaced by "may."

We will appreciate your consideration of the above comments.

Sincerely,

Charles W. Klinger
Director of Regulatory Compliance

Attachment
cc AFIA
NFIA
PFI

ps:17/2.2

Recommended Copy

Official Publication

1 9 8 7

Association of

American Feed Control Officials

Regulation 4. Expression of Guarantees

(a)

(b) Commercial feeds containing 6½% or more Calcium, Phosphorus, Sodium and Chloride shall include in the guaranteed analysis the minimum and maximum percentages of calcium (Ca), the minimum percentage of phosphorus (P), and if salt is added, the minimum and maximum percentage of salt (NaCl). Minerals, except salt (NaCl), shall be guaranteed in terms of percentage of the element. When calcium and/or salt guarantees are given in the guaranteed analysis such shall be stated and conform to the following.

(1) When the minimum is 5.0% or less, the maximum shall not exceed the minimum by more than one percentage point.

(2) When the minimum is above 5.0%, the maximum shall not exceed the minimum by more than 20% and in no case shall the maximum exceed the minimum by more than 5 percentage points.

Official Publication

1 9 9 1

Association of

American Feed Control Officials

Regulation 5. Ingredients

(f) Tentative definitions for ingredients shall not be used until adopted as official, unless no official definition exists or the ingredient has a common accepted name that requires no definition, (i.e. sugar).

Southern States Cooperative, Inc.
6606 West Broad Street
Post Office Box 26234
Richmond, Virginia 23260
Telephone (804) 281-1000

JUL 15 1991

SOUTHERN STATES

July 11, 1991

Ms. Barbara J. Smith
Director of Compliance
WV Dept. of Agriculture
1900 Kanawha Blvd., East
Charleston, WV 25305-0170

Dear Ms. Smith:

In reviewing the proposed rule changes to your already approved 1991 Commercial Feed Law, I believe some of these should be reconsidered.

According to proposed rule change 61-5-7.2, it looks like you want calcium, phosphorus and salt guarantees on all feeds. This would cause non-uniformity with other states we distribute feed in because they do not require this. There would be added cost to the consumer because separate labels would have to be made up for products going into West Virginia. This rule would also increase your laboratory expenses because these three nutrients would have to be tested to compare with the guarantee. Based on the cost you would charge for tests on non-official samples, this would increase your lab expense $32.50 per official sample tested. (Assume $12.00 to test for salt - Woodson-Tenent Laboratory fee). This rule would also require industry to do more testing of these nutrients which cost would have to be past on to the West Virginia consumer. This is not to say our products are not being tested now, but any nutrient required on a label would require more thorough monitoring which would drive up the quality assurance cost.

On proposed rule change 61-8.5, you should include the exception statement mentioned in AAFCO's uniform state feed bill regulation 5 (f) - Tentative definitions for ingredients shall not be used until adopted as official, unless no official definition exists or the ingredient has a common accepted name that requires no definition, (i.e. sugar).

Proposed regulation 61-15.1 a. does not follow FDA's "Second Generation" concept. Registered mills are regulated under 21 CFR 225.1 - 225.115 and non-registered mills are regulated under 21 CFR 225.120 - 225.202. The proposed change would cause confusion on the non-registered manufacturing facilities required to adjust to this new regulation which is different then what FDA "Second Generation" program required.

Hopefully these comments will give you another viewpoint on the impact of these proposed changes.

Sincerely,

Roy E. Jones
Manager, Quality Control
FEED DIVISION

/lc

cc: AFIA

JUL 15 1991

CENEX
LAND O LAKES

July 10, 1991

Ms. Barbara J. Smith
Director of Compliance
W.V. Dept. of Agriculture
1900 Kanawha Blvd., East
Charleston, WV 25305-0170

Dear Ms. Smith:

I would like to file the following written comments pursuant to the July 29, 1991 Public Hearing on the proposed rule to amend the Commercial Feed Law.

As a manufacturer of feed and milk replacer products distributed in several states including West Virginia, we have a sincere interest in the proposed changes in your feed law.

Allow me if you will to comment on three provisions of the regulations which will negatively impact the total feed industry.

Re 7.2. The implementation of guarantees for calcium, phosphorus and salt on all feeds without commensurate benefit to the consumer is unwarranted and expensive. To my knowledge there is not a valid reason for declaring these guarantees on complete feeds particularly in view of the declaration to narrow the spread on calcium. Based on our experience when calcium is 2.5% or less a spread of .5% is too restrictive when you consider the analytical and sampling variations.

Also, requiring these guarantees on all feeds requires that feed companies manufacturing and/or distributing feeds in several states to maintain a set of labels for West Virginia and another set for all other states. This is not only an expense the consumer doesn't need or does it lend itself to efficient administration by the feed industry.

Re 8.5. Again this puts the feed industry in the position of maintaining multiple sets of labels or even worse the inability to use an ingredient that has tentative definition status.

2827 8TH AVENUE SOUTH • FORT DODGE, IA 50501

Re 15.2. As a company we totally reject the reuse of feed bags. If the food supply is to be free of drug residues then it's imperative that the practice of reusing bags either by the manufacturer or the customer must be prohibited.

Thank you for the opportunity to comment.

Cordially yours,

Patrick L. Cox
Quality Assurance and
Regulatory Compliance Manager

ss
cc: Lee Boyd - AFIA

Moorman Manufacturing Company

The efficiency experts of animal agriculture

July 8, 1991

Ms. Barbara J. Smith
Director of Compliance
WV Department of Agriculture
1900 Kanawha Blvd., East
Charleston, WV 25305-0170

Dear Ms. Smith:

Re: **Comments for Public Hearing - July 29, 1991**
Proposed Commercial Feed Regulations

As a manufacturer of commercial livestock feeds, doing business nationwide, including your State of West Virginia, we make the following comments regarding your proposed Commercial Feed Regulations.

We are pleased that in many instances your proposed regulations follow the Regulations as published in the Official Publication of the Association of American Feed Control Officials. However, there is one major area where the present AAFCO Regulations are not in agreement with regulations currently in force in the individual States. In its August, 1987, meeting AAFCO adopted some changes in its regulations dealing with mineral guarantees in commercial feeds. Although these regulations have been published in the Official Publication beginning with 1988, no individual state has adopted them. If the State of West Virginia adopts them, it will mean that we who market our commercial feeds in your state will be forced to special label our products going into West Virginia. Special labeling always costs money, and as I am sure you realize, all costs of doing business have to be reflected in the cost of the feed to the livestock producer.

Quite a number of states have up-dated their commercial feed laws since this 1987 action on the part of AAFCO, and all have continued to adopt the regulations concerning mineral guarantees as published in the 1987 AAFCO Official Publication. I am attaching a copy of AAFCO Regulations 2 and 4 from that 1987 Publication that deal with required mineral guarantees.

AAFCO Regulation 2(a)(4)IX lists **exemptions** to the requirements spelled out in 2(a)(4)I,II,III,IV,V,VII and VIII. **Exemption a.** states that mineral guarantees are not required when the commercial feed contains less than 6½% Calcium, Phosphorus, Sodium and Chloride. We respectfully request that this exemption either replace or be added to your exemption in **Section 61-5-5 Labeling, 5.1.a.L.(a).**

Also regarding mineral guarantees in commercial feeds, another change from the pre-1987 AAFCO Uniform Regulations and also from regulations presently in force in all other states is found in your **Section 61-5-7. Expression of Guarantees.** We respectfully request that your **Sections 7.1, 7.2, 7.2.a, 7.2.a.A, 7.2.a.B and 7.2.a.C** be replaced in their entirety by **Regulation 4 (a) and (b)** of the pre-1987 AAFCO Regulations.

1000 North 30th Street • P.O. Box C1 • Quincy, Illinois 62305-3115 • Telephone: (217) 222-7100 • Fax: (217) 222-4069

The fact that no state has adopted these post-1987 AAFCO Regulations would seem to indicate that most state regulators feel the label requirements they have in place are adequate. For the sake of enabling industry to maintain a uniform feed label for use in all states, we request that you, too, adopt in your regulations the pre-1987 AAFCO labeling requirements regarding mineral guarantees in commercial fees.

Following are additional comments regarding your proposed regulations, in addition to the above concerning mineral guarantees in commercial feeds.

Section 61-5-8. Ingredient statement, 8.5. Is the reference to the 1991 Official Publication appropriate? If you deleted the "1991" you then would be referencing whichever AAFCO Official Publication was current, on down through the years.

Also, regarding this same **Part 8.5,** your proposed regulation states tentative definitions are not to be used until adopted as official by the Association. We ask that you consider changing the wording of this statement to make it read like that stated in the current AAFCO Official Publication, **Regulation 5(f).** It would then read:

> 8.5. Tentative definitions for ingredients as listed in the Official Publication of the Association of American Feed Control Officials shall not be used until adopted as official by the Association **unless no official definition exists, or the ingredient has a common accepted name that requires no definition, (i.e. sugar).**

Because it usually takes AAFCO a minimum of two years to give a tentative definition official status, this will enable industry to use new ingredients that are both safe and effective, more quickly.

Section 61-5-8. Ingredient Statement, 8.8 21 CFR 584 is the listing of materials FDA has affirmed as GRAS. You might want to give this CFR number in addition to 573 and 582 in your proposed regulations.

Section 61-5-15. Enforcement Policy, 15.1. First Notice. We would ask that you consider not making a stop sale mandatory on a first notice, but rather that discretion should be allowed. While there may be instances where a commercial feed is out of guarantee to the extent that a violation citation is in order, yet the seriousness of the violation would not warrant a stop sale. The control official should be allowed the discretion of making the appropriate decision.

Section 61-5-15. Good Manufacturing Practices.
NOTE: Shouldn't this be numbered **61-5-16**? Enforcement Policy is 61-5-15.

The exception to 21 CFR noted in **Part 15.1.a. (16.1.a.)** should removed beginning with "...with the exception that the provisions of 21 CFR 225.58 shall apply, ... etc." Attached is a copy of CFR 225.1 (b)(2), which correctly states the exceptions, and if you feel they should be stated, we suggest you quote this portion of the CFR. The exception as stated in the proposed regulation would cause an unnecessary burden on many small feed mills and on-the farm mixers.

We thank you for the opportunity to comment at your hearing. If there are any questions regarding any of these comments, please let us know.

Sincerely,

MOORMAN MANUFACTURING COMPANY

Doris Hoener
Mgr., State Feed & Pesticide
Regulatory Compliance

copy to
Lee Boyd, American Feed Industry Association

OFFICIAL RULES AND REGULATIONS

under the

UNIFORM STATE FEED BILL

Pursuant to due publication and public hearing required by the provisions of Chapter _____ of the Laws of this State, the _____ has adopted the following Rules and Regulations.

Regulation 1. Definition and Terms

(a) The names and definitions for commercial feeds shall be the Official Definition of Feed Ingredients adopted by the Association of American Feed Control Officials, except as the _____ designates otherwise in specific cases.

(b) The terms used in reference to commercial feeds shall be the Official Feed Terms adopted by the AAFCO, except as the _____ designates otherwise in specific cases.

(c) The following commodities are hereby declared exempt from the definition of commercial feed, under the provisions of Section 3(d) of the Act: Raw meat, hay, straw, stover, silages, cobs, husks, and hulls when unground and when not mixed or intermixed with other materials: Provided that these commodities are not adulterated within the meaning of Section 7(a), of the Act.

(d) Individual chemical compounds and substances are hereby declared exempt from the definition of Commercial Feed under the provisions of Section 3(d) of the Act. It has been determined that these products meet the following criteria:

(1) There is an adopted AAFCO definition for the product.

(2) The product is either GRAS or is not covered by a specific FDA Regulation.

(3) The product is either a natural occurring product of relatively uniform chemical composition or is manufactured to meet the AAFCO definition of the product.

(4) The use of the product in the feed industry constitutes a minor portion of its total industrial use.

(5) Small quantities of additives, which are intended to impart special desirable characteristics shall be permitted.

(6) There is no need or problem of control of this product.

LIST OF EXEMPTED SUBSTANCES

Loose Salt

Regulation 2. Label Format

(a) Commercial feed, other than customer-formula feed, shall be labeled with the information prescribed in this regulation on the principal display panel of the product and in the following general format.

(1) Net Weight may be stated in metric units in addition to the required avoirdupois units).

(2) Product name and brand name if any.

(3) If a drug is used:

I. The word "medicated" shall appear directly following and below the product name in type size, no smaller than one-half the type size of the product name.

II. The purpose of medication (claim statement).

III. An active drug ingredient statement listing the active drug ingredients by their established name and the amounts in accordance with Regulation 4(d).

IV. The required directions for use and precautionary statements or reference to their location if the detailed feeding directions and precautionary statements required by Regulations 6 and 7 appear elsewhere on the label.

(4) The guaranteed analysis of the feed as required under the provisions of Section 5(a)(3) of the Act include the following items, unless exempted in (IX) of this subsection, and in the order listed:

I. Minimum percentage of crude protein.

II. Maximum or minimum percentage of equivalent protein from non-protein nitrogen as required in Regulation 4(e).

III. Minimum percentage of crude fat.

IV. Maximum percentage of crude fiber.

V. Minerals, to include, in the following order: (a) minimum and maximum percentages of calcium (Ca), (b) minimum percentages of phosphorus (P), (c) minimum and maximum percentages of salt (NaCl), and (d) other minerals.

VI. Vitamins in such terms as specified in Regulation 4(c).

VII. Total sugars as invert on dried molasses products or products being sold primarily for their sugar content.

VIII. Viable lactic acid producing microorganisms for use in silages in terms specified in regulation 4(g).

IX. Exemptions.

a. Guarantees for minerals are not required when there are no specific label claims and when the commercial feed contains less than 6½% of Calcium, Phosphorus, Sodium and Chloride.

b. Guarantees for vitamins are not required when the commercial feed is neither formulated for nor represented in any manner as a vitamin supplement.

c. Guarantees for crude protein, crude fat, and crude fiber are not required when the commercial feed is intended for purposes other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, such as drug premixes, mineral or vitamin supplements, and molasses.

d. Guarantees for microorganisms are not required when the commercial feed is intended for a purpose other than to furnish these substances or they are of minor significance resisting to the primary purpose of the product, and no specific label claims are made.

(5) Feed ingredients, collective terms for the grouping of feed ingredients, or appropriate statements as provided under the provisions of Section 5(a)(4) of the Act.

I. The name of each ingredient as defined in the Official Publication of the Association of American Feed Control Officials, common or usual name, or one approved by the _____.

II. Collective terms for the grouping of feed ingredients as defined in the Official Definitions of Feed Ingredients published in the Official Publication of the Association of American Feed Control Officials in lieu of the individual ingredients; Provided that:

a. When a collective term for a group of ingredients is used on the label, individual ingredients within that group shall not be listed on the label.

b. The manufacturer shall provide the feed control official, upon request, with a list of individual ingredients, within a defined group, that are or have been used at manufacturing facilities distributing in or into the state.

III. The registrant may affix the statement, "Ingredients as registered with the State" in lieu of the ingredient list on the label. The list of ingredients must be on file with the _____. This list shall be made available to the feed purchaser upon request.

(6) Name and principal mailing address of the manufacturer or person responsible for distributing the feed. The principal mailing address shall include the street address, city, state, and zip code; however the street address may be omitted if it is shown in the current city directory or telephone directory.

(7) The information required in Section 5(1)(1)-(5) of the Act must appear in its entirety on one side of the label or on one side of the container. The information required by Section 5(a)(6)-(7) of the Act shall be displayed in a prominent place on the label or container but not necessarily on the same side as the above information. When the information required by Section 5(1)(6)-(7) is placed on a different side of the label or container, it must be referenced on the front side with a statement such as "See back of label for directions for use." None of the information required by Section 5 of the Act shall be subordinated or obscured by other statements or designs.

(b) Customer-formula feed shall be accompanied with the information prescribed in this regulation using labels, invoice, delivery ticket, or other shipping document bearing the following information.

(1) The name and address of the manufacturer.

(2) The name and address of the purchaser.

(3) The date of sale or delivery.

(4) The customer-formula feed name and brand name if any.

(5) The product name and net weight (may be stated in metric units in addition to he required avoirdupois) of each registered commercial feed and each other ingredient used in the mixture.

(6) The direction for use and precautionary statements as required by Regulations 6 and 7.

(7) If a drug containing product is used:

I. The purpose of the medication (claim statement)

II. The established name of each active drug ingredient and the level of each drug used in the final mixture expressed in accordance with Regulation 4 (d).

guiation 3. Brand and Product Names

(a) The brand or product name must be appropriate for the intended use of the feed and must not be misleading. If the name indicates the feed is made for a specific use, the character of the feed must conform therewith. A mixture labeled "Dairy Feed," for example, must be suitable for that purpose.

(b) Commercial, registered brand or trade names are not permitted in guarantees or ingredient listings and only in the product name of feeds produced by or for the firm holding the rights to such a name.

(c) The name of a commerical feed shall not be derived from one or more ingredients of a mixture to the exclusion of other ingredients and shall not be one representing any components of a mixture unless all components are included in the name: Provided, That if any ingredient or combination of ingredients is intended to impart a distinctive characteristic to the product which is of significance to the purchaser, the name of that ingredient or combination of ingredients may be used as a part of the brand name or product name if the ingredients or combination of ingredients is quantitatively guaranteed in the guaranteed analysis, and the brand or product name is not otherwise false or misleading.

(d) The word "protein" shall not be permitted in the product name of a feed that contains added non-protein nitrogen.

(e) When the name carries a percentage value, it shall be understood to signify protein and/or equivalent protein content only, even though it may not explicitly modify the percentage with the word "protein": Provided, That other percentage values may be permitted if they are followed by the proper description and conform to good labeling practice. Digital numbers shall not be used in such a manner as to be misleading or confusing to the customer.

(f) Single ingredient feeds shall have a product name in accordance with the designated definition of feed ingredients as recognized by the Association of American Feed Control Officials unless the _____ designates *otherwise*.

(g) The word "vitamin", or a contraction thereof, or any word suggesting vitamin can be used only in the name of a feed which is represented to be a vitamin supplement, and which is labeled with the minimum content of each vitamin declared, as specified in Regulation 4(c).

(h) The term "mineralized" shall not be used in the name of a feed except for "TRACE MINERALIZED SALT". When so used, the product must contain significant amounts of trace minerals which are recognized as essential for animal nutrition.

(i) The term "meat" and "meat by-products" shall be qualified to designate the animal from which the meat and meat by-products is derived unless the meat and meat by-products are made from cattle, swine, sheep and goats.

Regulation 4. Expression of Guarantees

(a) The guarantees for crude protein, equivalent protein from non-protein nitrogen, crude fat, crude fiber and mineral guarantees (when required) will be in terms of percentage.

(b) Commercial feeds containing 6½% or more Calcium, Phosphorus, Sodium and Chloride shall include in the guaranteed analysis the minimum and maximum percentages of calcium (Ca), the minimum percentage of phosphorus (P), and if salt is added, the minimum and maximum percentage of salt (NaCl). Minerals, except salt (NaCl), shall be guaranteed in terms of percentage of the element. When calcium and/or salt guarantees are given in the guaranteed analysis such shall be stated and conform to the following.

(1) When the minimum is 5.0% or less, the maximum shall not exceed the minimum by more than one percentage point.

(2) When the minimum is above 5.0%, the maximum shall not exceed the minimum by more than 20% and in no case shall the maximum exceed the minimum by more than 5 percentage points.

[¶70,435.01]

§ 225.1 Current good manufacturing practice.

(a) Section 501(a)(2)(B) of the Federal Food, Drug, and Cosmetic Act provides that a drug (including a drug contained in a medicated feed) shall be deemed to be adulterated if the methods used in, or the facilities or controls used for, its manufacture, processing, packing, or holding do not conform to or are not operated or administered in conformity with current good manufacturing practice to assure that such drug meets the requirement of the act as to safety and has the identity and strength, and meets the quality and purity characteristics, which it purports or is represented to possess.

(b)(1) The provisions of this part set forth the criteria for determining whether the manufacture of a medicated feed is in compliance with current good manufacturing practice. These regulations shall apply to all types of facilities and equipment used in the production of medicated feeds, and they shall also govern those instances in which failure to adhere to the regulations has caused nonmedicated feeds that are manufactured, processed, packed, or held to be adulterated. In such cases, the medicated feed shall be deemed to be adulterated within the meaning of section 501(a)(2)(B) of the act, and the nonmedicated feed shall be deemed to be adulterated within the meaning of section 402(a)(2)(D) of the act.

(2) The regulations in §§ 225.10 through 225.115 apply to facilities manufacturing one or more medicated feeds for which an approved medicated feed application is required. The regulations in §§ 225.120 through 225.202 apply to facilities manufacturing solely medicated feeds for which approved medicated feed applications are not required.

[21 CFR 225.1 as of Apr. 1, 1985; amended, 51 F.R. 7389, Mar. 3, 1986.]

[¶70,435.1]

§ 225.10 Personnel.

(a) Qualified personnel and adequate personnel training and supervision are essential for the proper formulation, manufacture, and control of medicated feeds. Training and experience leads to proper use of equipment, maintenance of accurate records, and detection and prevention of possible deviations from current good manufacturing practices.

(b)(1) All employees involved in the manufacture of medicated feeds shall have an understanding of the manufacturing or control operation(s) which they perform, including the location and proper use of equipment.

(2) The manufacturer shall provide an on-going program of evaluation and supervision of employees in the manufacture of medicated feeds.

[21 CFR 225.10 as of Apr. 1, 1985.]

[The next page is 70,805.]

AMERICAN FEED INDUSTRY ASSOCIATION

July 16, 1991

Ms. Barbara J. Smith
Director of Compliance
WV Department of Agriculture
1900 Kanawha Boulevard, East
Charleston, WV 25305-0170

RE: Title 61 - Legislative Rule -
WV Department of Agriculture

Series V - Commercial Feed

Dear Barbara:

A very extensive travel schedule has limited my (the American Feed Industry Association's) response to the proposed changes in the West Virginia Feed Law. AFIA would like to go on record as endorsing the comments submitted by Charles Klinger, Central Soya, in his July 2, 1991, letter to you.

We appreciate your consideration of these comments.

Sincerely,

Lee Boyd

Lee H. Boyd, Esq., PAS
Vice President

1501 Wilson Blvd., Suite 1100, Arlington, VA 22209
Tel: 703/524-0810 FAX: 703/524-1921

KENT Guaranteed

Kent Feeds, Inc.
1600 Oregon Street
P.O. Box 749
Muscatine, Iowa 52761

July 17, 1991

Barbara J. Smith
Director of Compliance
West Virginia Department of Agriculture
1900 Kanawha Blvd East
Charleston, West Virginia 25305-0170

Dear Ms. Smith:

We have received notice of a public hearing to be held on July 29, 1991, concerning Repeal and Replacement of the Commercial Feed Law (Title 61, Authority 19-14). The following comments are offered for this hearing:

I am the Chairman of the Feed Control Committee of the American Feed Industry Association.

We are pleased that in most cases your proposed regulations follow the Regulations as published in the Official Publication of the Association of American Feed Control Officials. However, there are areas that will have a negative impact that I wish to comment as follows:

Re: 7.2 - Requiring calcium, phosphorus and salt guarantees on all feeds and
7.2 a.A.- Requiring 0.5% min.-max. when the minimum is below 2.5% AAFCO adopted these changes in mineral guarantees in August of 1987.

The new regulations were published in 1988 and NO individual state has adopted them. Attached are the former regulations as published in the 1987 AAFCO handbook and we ask that you incorporate the 1987 regulations in place of the 1988 regulations or be added to your exemption in Section 61-55 Labeling, 5.1.a.L.(a). or that the 1988 regulations be used as a guide in this area.

If your state adopts the 1988 AAFCO regulations, it will require feed companies manufacturing and/or distributing feeds in several states to maintain a set of labels for West Virginia and another set for all other states as the feed industry is conforming to the 1987 model regulations and so far all the states (even though some have updated their regulations since then) are honoring the former regulations.

Re: 8.5 - Tentative definitions cannot be used until made official. This deviates from AAFCO which allows a tentative definition to be used if there is no official definition. We ask that you allow the use of tentative definitions.

Re: 15.1 -First notice of violative sample and an embargo ordered. This is unreasonable as the assay may be at fault. We recommend that such an embargo be placed only if assays taken subsequent to the first assay prove that the feed is violative.

Re:15.2 -(Which should be 16.2 under Good Manufacturing Practices). Your intentions of recycling feed bags are good, however, if the food supply is to be free of drug residues, we seriously question the reuse of feed bags.

We thank you for the opportunity to comment at your hearing. If there are any questions regarding any of these comments, please let us know.

Sincerely,

Max W. Churchill

Max W. Churchill, Chairman
Feed Control Committee
American Feed Industry Association

MWC/ldp
cc: Lee Boyd, American Feed Industry Association

CARGILL
NUTRENA FEED
DIVISION

15407 McGinty Road
Minnetonka, Minnesota
Mail Address: Box 5614
Minneapolis, Minnesota 55440

Nutrena Feeds

July 8, 1991

Barbara J. Smith
Director of Compliance
West Virginia Department of Agriculture
1900 Kanawha Blvd. East
Charleston, W. Va. 325305-0170

Dear Ms. Smith:

We have received notice of a public hearing to be held on July 29, 1991, concerning Repeal and Replacement of the Commercial Feed Law (Title 61, Authority 19-14). The following comments are offered for this hearing:

Cargill, Inc., is engaged in the sale of livestock feed in West Virginia. We do not operate a feed mill in the state but do offer products made in surrounding states. Some of the provisions of the West Virginia feed regulations will create a hardship on our firm if left as proposed, specifically:

Reg 7.2. Requiring calcium, phosphorus and salt guarantees on all feeds would require that our firm either create labels specifically for use on feeds distributed in your state, or change all our labels to conform to this regulation regardless of where the feed is sold to eliminate excess duplication. In fact, neither alternative is practical. We strongly recommend that the 1988 model AAFCO regulations be used as a guide in this area.

Reg 8.5. AAFCO allows the use of tentative definitions while no official definition has been approved. We urge that West Virginia allow the use of tentative definitions.

Reg 15.1. Placing an embargo on a feed shipment where a first assay is found to be out of tolerance is unreasonable, since the assay itself may be at fault. This would not be discovered until results of a second assay are received. We recommend that such an embargo be placed only if assays taken subsequent to the first assay prove that the feed shipment is violative.

I appreciate the opportunity to provide these comments for the hearing.

Respectfully,

D.M. Ketcham
QC/Regulatory Manager

DK/kc38.

C: Lee Boyd/AFIA
1501 Wilson Blvd, Suite 1100
Arlington VA 22209

[redacted]
PET FOOD INSTITUTE
1101 Connecticut Avenue, NW, Washington, DC 20036 (202) 857-1120

July 22, 1991

Ms. Barbara J. Smith
Director of Compliance
WV Department of Agriculture
1900 Kanawha Blvd. East
Charleston, WV 25305-0170

Re: Notice of Public Hearing - Title 61
Legislative Rule, Series V, Commercial Feed

Dear Ms. Smith:

The Pet Food Institute (PFI) is the national trade association of dog and cat food manufacturers. The membership of PFI represents a substantial percentage of the total dog and cat food tonnage produced in the United States.

PFI actively monitors changes in state feed laws and regulations that affect distribution and labeling of pet foods. Thus, we have reviewed the West Virginia Emergency Rules for Commercial Feeds that will be the subject of a public hearing on July 29, 1991.

Historically, PFI has worked closely with the AAFCO Pet Food Committee to develop the Official Pet Food Regulations contained in the AAFCO Official Publication. This is an on-going cooperative effort designed to promote label uniformity. We offer these comments in the spirit of maintaining consistency between West Virginia regulations and general regulations followed by other states.

A representative of PFI will not be able to attend the scheduled public hearing. However, we request that the following comments of PFI on the Emergency Rules be entered for the record.

1. In Section 61-5-2 Incorporation by Reference we commend the Department for adopting AAFCO's Official Pet Food Regulations. However, these regulations specifically require four label guarantees (crude protein, crude fat, crude fiber & moisture). Other guarantees are optional and can be shown after moisture. If the intent of Expression of Guarantee Regulation 61-5-7.2 through 7.2 a.C. is to additionally require calcium, phosphorus & salt guarantees on pet food labels, we strongly object.

   Current AAFCO Official Feed Regulation 4(b)(1) was independently developed by AAFCO without industry agreement. To date no state has yet adopted this requirement to show calcium, phosphorus and salt guarantees, and AAFCO and industry are working to address the issue. Section 7.2 through 7.2 a.C. should therefore be revised to reflect language in the 1987 AAFCO Official Publication (see attached).

2. Ingredient Statement Regulation 16-5-8.5 should be revised to read "Tentative definitions of ingredients as listed in the Official Publication of the Association of American Feed Control Officials may be used until adopted as official by the Association". It has been a long standing practice by AAFCO to allow the use of tentative ingredient definitions.

3. Enforcement Policy Regulations 16-5-15.1 through 15.3 are much too severe. Mandatory Embargo Orders and General Embargo Orders for violations from guarantee fails to take into account all the factors that could lead to a violation. These sections should be rewritten totally to reflect a more discretionary approach.

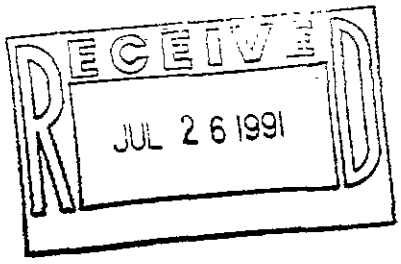
We appreciate the opportunity to submit our comments.

Sincerely,

Duane Ekedahl

Duane H. Ekedahl
Executive Director

Purina Mills, Inc.



Ms. Barbara J. Smith
Director of Compliance
West Virginia Department of Agriculture
1900 Kanawha Blvd East
Charleston, West Virginia 25305-0170

July 22, 1991

Proposed Regulations Commercial Feed Law
Public Hearing July 29, 1991

Dear Ms. Smith,

Purina Mills is a marketer of animal feeds in the state of West Virginia and therefore will be affected by the proposed regulations. Purina Mills is also a member of the American Feed Industry Association (AFIA) which represents the major feed manufacturers in the United States.

Purina has received copies of comments submitted to you by AFIA, by Mr. Chuck Klinger of Central Soya, and by Mr. Churchill of Kent Feeds, Inc., who is also chairperson of AFIA's Feed Control Committee. Purina Mill's is in full agreement with these referenced comments and therefore wishes to endorse them rather than redundantly restating the issues and our position.

If you have any questions or need clarification regarding our endorsement, please let me know. Consideration to these comments is needed and will be appreciated by the industry for the benefit of Agriculture in the state of West Virginia.

Sincerely,

R. E. Broyles, Director
Regulatory, Quality & Safety

cc: Mr. Lee Boyd - AFIA
Mr. Max Churchill - Kent Feeds
Mr. Chuck Klinger - Central Soya

P.O. Box 66812
St. Louis, Missouri 63166-6812

TITLE 61
LEGISLATIVE RULES
DEPARTMENT OF AGRICULTURE

SERIES 5
WEST VIRGINIA COMMERCIAL FEED LAW REGULATIONS

§61-5-1. General.

1.1. Scope. -- These legislative regulations provide for cancellation of registration, define deleterious and adulterating materials, related to brands and labeling, drug and vitamin content, sampling and analysis, adopt Association of American Feed Control Officials terminology, provide for alternative listing of ingredients, mineral content, nonprotein nitrogen requirements, misbranding and supersedure.

1.2. Authority. -- W. Va. Code §19-14

1.3. Filing Date. -- June 1, 1976

1.4. Effective Date. -- July 1, 1976

§61-5-2. Revocation Or Cancellation Of Registration.

2.1. Registration of commercial feeds sold in bulk or packages larger than ten (10) pounds shall be permanent unless:

2.1.1. Canceled by registrant;

2.1.2. No sales reported by the registrant during a twelve (12) consecutive months period; or

2.1.3. Revoked or canceled by the Commissioner for cause.

§61-5-3. Adulterating Or Deleterious Materials.

3.1. The following are determined to be adulterants or deleterious and are prohibited.

3.1.1. More than eight percent (8%) crude fiber in poultry feeds. (This does not apply to supplemental poultry feeds or to feeds designed to suppress sexual development in pullets when so labeled.)

3.1.2. More than five percent (5%) crude fiber in scratch feeds.

3.1.3. More than twelve percent (12%) crude fiber in horse feed intended to be fed with hay or pasture. (A complete horse feed may contain up to twenty-five percent (25%) crude fiber when so labeled with proper feeding instructions.)

3.1.4. More than eight percent (8%) crude fiber in swine feed. (This does not apply to feed for gestating sows which may contain sixteen percent (16%) crude fiber or to swine supplements containing more than thirty-two percent (32%) protein.)

3.1.5. More than five hundred (500) whole weed seeds per pound.

3.1.6. A pet food when its composition does not conform to the Official Pet Food Regulations of the Association of American Feed Control Officials, Incorporated.

§61-5-4. Brand And Product Names.

4.1. The brand or product name must not be misleading. If the name indicates the feed is made for a specific use, the character of the feed must conform therewith. A mixture labeled "dairy feed," for example, must be suitable for that purpose.

4.2. Single ingredient feeds shall have a product name in accordance with the designated definitions of feed ingredients as recognized by the Association of American Feed Control

Officials unless the Commissioner designates otherwise.

4.3. A name of a commercial feed shall not be derived from one or more ingredients of a mixture at the exclusion of other ingredients and shall not be one representing any component of a mixture unless all components are included in the name. Pet foods shall comply with AAFCO guidelines.

4.4. The word vitamin, or a contraction thereof, or any word suggesting vitamin can be used only in the name of a feed which is represented to be a vitamin supplement, and which is labeled with the minimum content of each vitamin declared, as specified in Section 5.3 of these rules.

4.5. The term "Mineralized" shall not be used in the name of a feed except "Trace Mineralized Salt." When so used, the product must contain significant amounts of trace minerals which are recognized as essential for animal nutrition.

4.6. The term "Meat" and "Meat By-Product" when applied to the corresponding portions of the animals other than cattle, swine, sheep and goats shall be used in qualified form as, for example, "Horse Meat By-Product," "Reindeer Meat By-Product," etc.

§61-5-5. Expression Of Guarantees.

5.1. The sliding-scale method of expressing guarantees (for example, "Protein 15-18%") is prohibited, except as specifically provided by the law or by regulation.

5.2. Drugs in commercial feeds shall be guaranteed in terms of percentage by weight, except antibiotics, which shall be expressed in grams per pound on feeds containing more than two thousand (2,000)(total) of antibiotics per ton. All products containing less than two thousand (2,000) units of antibiotics per ton shall be expressed in grams per ton. The term "milligrams per pound" will be permitted on the label only in cases where dosage is given as "milligrams per day" in the feeding directions: **Provided,** That labels for commercial feeds containing growth promotion and/or feed efficiency levels of antibiotics which are to be fed continuously as the sole ration are not required to make quantitative guarantees unless required by the United States Food and Drug Administration.

5.3. Guarantees of minimum vitamin content of feeds and feed supplements shall be stated in units or milligrams per pound as provided herein: Vitamin E in USP or International Units, Vitamin A other than precursors of Vitamin A, in USP Units, Vitamin D in products offered for poultry feeding in International Chick Units, Vitamin D for other uses in USP Units, all other vitamins as true vitamins, not compounds, excepting only pyridoxine hydrochloride, choline chloride, and thiamine; oils and concentrates containing Vitamin A or Vitamin D or both may be additionally labeled to show vitamin content in units per gram; and providing the term "d-pantothenic acid" be used in stating the pantothenic acid guarantee.

5.4. Commercial feeds containing fifty-five percent (55%) or more mineral ingredients, shall include in the guaranteed analysis the minimum and maximum percentages of calcium (Ca) and salt (NaCl) and the minimum percentages of phosphorus (P) and iodine (I), if added, minerals, except salt (NaCl), when quantitatively guaranteed, shall be stated in terms of percentage of the element.

5.5. Products which need not be labeled to show guarantees for crude protein, crude fat and crude fiber are:

5.5.1. Products distributed solely as mineral and/or vitamin supplements;

5.5.2. Molasses;

5.5.3. Drugs.

§61-5-6. Definitions, Sampling And Analysis.

6.1. Except as the Commissioner designates otherwise in specific cases, the name and

definitions for commercial feeds and methods of sampling shall be those adopted by the Association of American Feed Control Officials, and the methods of analysis shall be the official methods of the Association of Official Analytical Chemists.

§61-5-7. Ingredient Statement.

7.1. Each ingredient must be specifically named. The names and definitions adopted by the Association of American Feed Control Officials are to be used as the common or usual names unless the Commissioner designates otherwise.

7.2. When water is added in the preparation of canned food for animals, water must be listed as an ingredient.

7.3. The term "dehydrated" may precede the name of any product that has been artifically dried.

7.4. No reference to quality or grade of any ingredient shall appear in the ingredient statement of a feed.

7.5. Alternative listing of ingredients within the following groups may be shown on the registration certificate:

7.5.1. Corn, hominy feed, wheat, barley and grain sorghums (as presently accepted);

7.5.2. Cottonseed meal, soybean meal, peanut meal, linseed meal and corn gluten meal;

7.5.3. Fish meal, meat and bone meal, meat meal tankage and poultry by-product meal;

7.5.4. Beet molasses, corn sugar molasses, citrus molasses and cane molasses;

7.5.5. Wheat bran, wheat mill run and wheat middlings;

7.5.6. Wheat shorts, wheat red dog, corn germ meal, corn gluten feed and grain sorghum gluted feed.

§61-5-8. Labeling.

8.1. The information required in subsection 5 (a), section five, article fourteen, chapter nineteen of the West Virginia Code, must appear in its entirety on one side of the label or on one side of the container; this information shall not be subordinated or obscured by other statements and designs.

8.2. The names of all ingredients must be shown in letters or type of the same size.

§61-5-9. Minerals.

9.1. When the word "iodized" is used in connection with a feed ingredient, the ingredient shall not contain less than 0.007 percent iodine, uniformly distributed.

9.2. Mineral phosphatic materials for feeding purposes shall be labeled with a guarantee for the minimum percentages of calcium and phosphorus, and the maximum percentage of fluorine.

9.3. The fluorine content of any mineral or mineral mixture which is to be used directly for the feeding of domestic animals shall not exceed 0.30 percent for cattle; 0.35 percent for sheep; 0.45 percent for swine; and 0.60 percent for poultry. Soft rock phosphate, rock phosphate or other fluorine-bearing ingredients may be used only in such amounts that they will not raise the fluorine concentration of the total (grain) ration above the following amounts: 0.009 percent for cattle; 0.01 percent for sheep; 0.014 percent for swine; and 0.035 percent for poultry.

§61-5-10. Nonprotein Nitrogen Products.

10.1. Urea and other nonprotein nitrogen products defined in the Official Publication of the Association of American Feed Control Officials are acceptable ingredients in commercial feeds for ruminant animals as a source of equivalent crude protein. If the commercial feed contains more than 8.75 percent of equivalent crude protein from all forms of nonprotein nitrogen, added as such, or the equivalent crude protein from all forms of

protein, the label shall bear adequate directions for the safe use of feeds and a precautionary statement: "CAUTION: USE AS DIRECTED." The directions for use and the caution statement shall be in type of such size so placed on the label that they will be read and understood by ordinary persons under customary conditions of purchase and use.

10.2. Nonprotein nitrogen products defined in the AAFCO Official Publication, when so indicated, are acceptable ingredients in commercial feeds distributed to nonruminant animals as a source of nutrients other than equivalent crude protein. The maximum equivalent crude protein from nonprotein nitrogen sources when used in nonruminant rations shall not exceed 1.25 percent of the total daily ration.

10.3. Commercial feeds containing any added nonprotein nitrogen shall be labeled as follows:

10.3.1. For ruminants:

10.3.1.1. Complete feeds, supplements and concentrates containing added nonprotein nitrogen and containing more than five percent (5%) protein from natural sources shall be guaranteed as follows:

Crude Protein, minimum, _____% (This includes not more than _____% equivalent protein from nonprotein nitrogen).

10.3.1.2. Mixed feed concentrates and supplements containing less than five percent (5%) protein from natural sources may be guaranteed as follows:

Equivalent Crude Protein form Nonprotein Nitrogen, minimum _____%.

10.3.1.3. Ingredient sources of nonprotein nitrogen such as Urea, Di-Ammonium Phosphate, Ammonium Polyphosphate Solution, Ammoniated Rice Hulls or other basic nonprotein nitrogen ingredients defined by the Association of American Feed Control Officials shall be guaranteed as follows:

Nitrogen, minimum, _____%

Equivalent Crude Protein from Nonprotein Nitrogen, minimum, _____%

10.3.2. For nonruminants:

10.3.2.1. Complete feeds, supplements and concentrates containing crude protein from all forms of nonprotein nitrogen, added as such, shall be labeled as follows:

Crude Protein, minimum, _____%

(This includes not more than _____% equivalent crude protein which is not nutritionally available to species of animals for which feed is intented.)

10.3.2.2. Premixes, concentrates or supplements intended for nonruminants containing more than 1.25 percent equivalent crude protein from all forms of nonprotein nitrogen, added as such, must contain adequate directions for use and a prominent statement: "WARNING: This feed must be used only in accordance with directions furnished on the label."

§61-5-11. Misbranding.

11.1. A pet food shall be considered as a misbranded when its labeling does not conform to the label format and requirements approved by the Pet Food Committee of the Association of American Feed Control Officials, Inc., or when any nutritional claim or value is made which is not supported by the Committee on Animal Nutrition of the National Research Council of the National Academy of Sciences or other nutritional authority recognized by the Commissioner.

11.2. Any commercial feed shall be considered as misbranded if it contains a drug or medication not approved by the Food and Drug Administration under Title 21, Code of Federal Regulations or if its labeling does not contain adequate warning, use and withdrawal statements for that particular drug or medication.

11.3. Any commercial feed shall be considered as a misbranded if an artificial color has been used to enhance the natural color of a feed or feed ingredient whereby inferiority or nutritive value would be concealed or if any coloring agent has been used which has not been shown to be harmless to animals.

TITLE 61
LEGISLATIVE RULES
DEPARTMENT OF AGRICULTURE

SERIES 5
WEST VIRGINIA COMMERCIAL FEED LAW REGULATIONS

§61-5-1. General.

1.1. Scope. -- These legislative regulations provide for cancellation of registration, define deleterious and adulterating materials, related to brands and labeling, drug and vitamin content, sampling and analysis, adopt Association of American Feed Control Officials terminology, provide for alternative listing of ingredients, mineral content, nonprotein nitrogen requirements, misbranding and supersedure.

1.2. Authority. -- W. Va. Code §19-14

1.3. Filing Date. -- June 1, 1976

1.4. Effective Date. -- July 1, 1976

§61-5-2. Revocation Or Cancellation Of Registration.

2.1. Registration of commercial feeds sold in bulk or packages larger than ten (10) pounds shall be permanent unless:

2.1.1. Canceled by registrant;

2.1.2. No sales reported by the registrant during a twelve (12) consecutive months period; or

2.1.3. Revoked or canceled by the Commissioner for cause.

§61-5-3. Adulterating Or Deleterious Materials.

3.1. The following are determined to be adulterants or deleterious and are prohibited.

3.1.1. More than eight percent (8%) crude fiber in poultry feeds. (This does not apply to supplemental poultry feeds or to feeds designed to suppress sexual development in pullets when so labeled.)

3.1.2. More than five percent (5%) crude fiber in scratch feeds.

3.1.3. More than twelve percent (12%) crude fiber in horse feed intended to be fed with hay or pasture. (A complete horse feed may contain up to twenty-five percent (25%) crude fiber when so labeled with proper feeding instructions.)

3.1.4. More than eight percent (8%) crude fiber in swine feed. (This does not apply to feed for gestating sows which may contain sixteen percent (16%) crude fiber or to swine supplements containing more than thirty-two percent (32%) protein.)

3.1.5. More than five hundred (500) whole weed seeds per pound.

3.1.6. A pet food when its composition does not conform to the Official Pet Food Regulations of the Association of American Feed Control Officials, Incorporated.

§61-5-4. Brand And Product Names.

4.1. The brand or product name must not be misleading. If the name indicates the feed is made for a specific use, the character of the feed must conform therewith. A mixture labeled "dairy feed," for example, must be suitable for that purpose.

4.2. Single ingredient feeds shall have a product name in accordance with the designated definitions of feed ingredients as recognized by the Association of American Feed Control

Officials unless the Commissioner designates otherwise.

4.3. A name of a commercial feed shall not be derived from one or more ingredients of a mixture at the exclusion of other ingredients and shall not be one representing any component of a mixture unless all components are included in the name. Pet foods shall comply with AAFCO guidelines.

4.4. The word vitamin, or a contraction thereof, or any word suggesting vitamin can be used only in the name of a feed which is represented to be a vitamin supplement, and which is labeled with the minimum content of each vitamin declared, as specified in Section 5.3 of these rules.

4.5. The term "Mineralized" shall not be used in the name of a feed except "Trace Mineralized Salt." When so used, the product must contain significant amounts of trace minerals which are recognized as essential for animal nutrition.

4.6. The term "Meat" and "Meat By-Product" when applied to the corresponding portions of the animals other than cattle, swine, sheep and goats shall be used in qualified form as, for example, "Horse Meat By-Product," "Reindeer Meat By-Product," etc.

§61-5-5. Expression Of Guarantees.

5.1. The sliding-scale method of expressing guarantees (for example, "Protein 15-18%") is prohibited, except as specifically provided by the law or by regulation.

5.2. Drugs in commercial feeds shall be guaranteed in terms of percentage by weight, except antibiotics, which shall be expressed in grams per pound on feeds containing more than two thousand (2,000)(total) of antibiotics per ton. All products containing less than two thousand (2,000) units of antibiotics per ton shall be expressed in grams per ton. The term "milligrams per pound" will be permitted on the label only in cases where dosage is given as "milligrams per day" in the feeding directions: **Provided**, That labels for commercial feeds containing growth promotion and/or feed efficiency levels of antibiotics which are to be fed continuously as the sole ration are not required to make quantitative guarantees unless required by the United States Food and Drug Administration.

5.3. Guarantees of minimum vitamin content of feeds and feed supplements shall be stated in units or milligrams per pound as provided herein: Vitamin E in USP or International Units, Vitamin A other than precursors of Vitamin A, in USP Units, Vitamin D in products offered for poultry feeding in International Chick Units, Vitamin D for other uses in USP Units, all other vitamins as true vitamins, not compounds, excepting only pyridoxine hydrochloride, choline chloride, and thiamine; oils and concentrates containing Vitamin A or Vitamin D or both may be additionally labeled to show vitamin content in units per gram; and providing the term "d-pantothenic acid" be used in stating the pantothenic acid guarantee.

5.4. Commercial feeds containing fifty-five percent (55%) or more mineral ingredients, shall include in the guaranteed analysis the minimum and maximum percentages of calcium (Ca) and salt (NaCl) and the minimum percentages of phosphorus (P) and iodine (I), if added, minerals, except salt (NaCl), when quantitatively guaranteed, shall be stated in terms of percentage of the element.

5.5. Products which need not be labeled to show guarantees for crude protein, crude fat and crude fiber are:

5.5.1. Products distributed solely as mineral and/or vitamin supplements;

5.5.2. Molasses;

5.5.3. Drugs.

§61-5-6. Definitions, Sampling And Analysis.

6.1. Except as the Commissioner designates otherwise in specific cases, the name and

definitions for commercial feeds and methods of sampling shall be those adopted by the Association of American Feed Control Officials, and the methods of analysis shall be the official methods of the Association of Official Analytical Chemists.

§61-5-7. Ingredient Statement.

7.1. Each ingredient must be specifically named. The names and definitions adopted by the Association of American Feed Control Officials are to be used as the common or usual names unless the Commissioner designates otherwise.

7.2. When water is added in the preparation of canned food for animals, water must be listed as an ingredient.

7.3. The term "dehydrated" may precede the name of any product that has been artifically dried.

7.4. No reference to quality or grade of any ingredient shall appear in the ingredient statement of a feed.

7.5. Alternative listing of ingredients within the following groups may be shown on the registration certificate:

7.5.1. Corn, hominy feed, wheat, barley and grain sorghums (as presently accepted);

7.5.2. Cottonseed meal, soybean meal, peanut meal, linseed meal and corn gluten meal;

7.5.3. Fish meal, meat and bone meal, meat meal tankage and poultry by-product meal;

7.5.4. Beet molasses, corn sugar molasses, citrus molasses and cane molasses;

7.5.5. Wheat bran, wheat mill run and wheat middlings;

7.5.6. Wheat shorts, wheat red dog, corn germ meal, corn gluten feed and grain sorghum gluted feed.

§61-5-8. Labeling.

8.1. The information required in subsection 5 (a), section five, article fourteen, chapter nineteen of the West Virginia Code, must appear in its entirety on one side of the label or on one side of the container; this information shall not be subordinated or obscured by other statements and designs.

8.2. The names of all ingredients must be shown in letters or type of the same size.

§61-5-9. Minerals.

9.1. When the word "iodized" is used in connection with a feed ingredient, the ingredient shall not contain less than 0.007 percent iodine, uniformly distributed.

9.2. Mineral phosphatic materials for feeding purposes shall be labeled with a guarantee for the minimum percentages of calcium and phosphorus, and the maximum percentage of fluorine.

9.3. The fluorine content of any mineral or mineral mixture which is to be used directly for the feeding of domestic animals shall not exceed 0.30 percent for cattle; 0.35 percent for sheep; 0.45 percent for swine; and 0.60 percent for poultry. Soft rock phosphate, rock phosphate or other fluorine-bearing ingredients may be used only in such amounts that they will not raise the fluorine concentration of the total (grain) ration above the following amounts: 0.009 percent for cattle; 0.01 percent for sheep; 0.014 percent for swine; and 0.035 percent for poultry.

§61-5-10. Nonprotein Nitrogen Products.

10.1. Urea and other nonprotein nitrogen products defined in the Official Publication of the Association of American Feed Control Officials are acceptable ingredients in commercial feeds for ruminant animals as a source of equivalent crude protein. If the commercial feed contains more than 8.75 percent of equivalent crude protein from all forms of nonprotein nitrogen, added as such, or the equivalent crude protein from all forms of

protein, the label shall bear adequate directions for the safe use of feeds and a precautionary statement: "CAUTION: USE AS DIRECTED." The directions for use and the caution statement shall be in type of such size so placed on the label that they will be read and understood by ordinary persons under customary conditions of purchase and use.

10.2. Nonprotein nitrogen products defined in the AAFCO Official Publication, when so indicated, are acceptable ingredients in commercial feeds distributed to nonruminant animals as a source of nutrients other than equivalent crude protein. The maximum equivalent crude protein from nonprotein nitrogen sources when used in nonruminant rations shall not exceed 1.25 percent of the total daily ration.

10.3. Commercial feeds containing any added nonprotein nitrogen shall be labeled as follows:

10.3.1. For ruminants:

10.3.1.1. Complete feeds, supplements and concentrates containing added nonprotein nitrogen and containing more than five percent (5%) protein from natural sources shall be guaranteed as follows:

Crude Protein, minimum, _____% (This includes not more than _____% equivalent protein from nonprotein nitrogen).

10.3.1.2. Mixed feed concentrates and supplements containing less than five percent (5%) protein from natural sources may be guaranteed as follows:

Equivalent Crude Protein form Nonprotein Nitrogen, minimum _____%.

10.3.1.3. Ingredient sources of nonprotein nitrogen such as Urea, Di-Ammonium Phosphate, Ammonium Polyphosphate Solution, Ammoniated Rice Hulls or other basic nonprotein nitrogen ingredients defined by the Association of American Feed Control Officials shall be guaranteed as follows:

Nitrogen, minimum, _____%

Equivalent Crude Protein from Nonprotein Nitrogen, minimum, _____%

10.3.2. For nonruminants:

10.3.2.1. Complete feeds, supplements and concentrates containing crude protein from all forms of nonprotein nitrogen, added as such, shall be labeled as follows:

Crude Protein, minimum, _____%

(This includes not more than _____% equivalent crude protein which is not nutritionally available to species of animals for which feed is intented.)

10.3.2.2. Premixes, concentrates or supplements intended for nonruminants containing more than 1.25 percent equivalent crude protein from all forms of nonprotein nitrogen, added as such, must contain adequate directions for use and a prominent statement: "WARNING: This feed must be used only in accordance with directions furnished on the label."

§61-5-11. Misbranding.

11.1. A pet food shall be considered as a misbranded when its labeling does not conform to the label format and requirements approved by the Pet Food Committee of the Association of American Feed Control Officials, Inc., or when any nutritional claim or value is made which is not supported by the Committee on Animal Nutrition of the National Research Council of the National Academy of Sciences or other nutritional authority recognized by the Commissioner.

11.2. Any commercial feed shall be considered as misbranded if it contains a drug or medication not approved by the Food and Drug Administration under Title 21, Code of Federal Regulations or if its labeling does not contain adequate warning, use and withdrawal statements for that particular drug or medication.

11.3. Any commercial feed shall be considered as a misbranded if an artificial color has been used to enhance the natural color of a feed or feed ingredient whereby inferiority or nutritive value would be concealed or if any coloring agent has been used which has not been shown to be harmless to animals.

STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
State Capitol
Charleston, WV 25305

Cleve Benedict
Commissioner

PERSONS WHO RECEIVED COMMERCIAL FEED REGULATIONS FOR PUBLIC COMMENT OR HEARING

ASCS
Don Brown
PO Box 1049
Morgantown, WV 26507

Alpine Farm Supply
Mark Fetty
145 South Main Street
New Martinsville, WV 26155

American Feed Industry Association
Lee H. Boyd, Vice President
1501 Wilson Boulevard
Arlington, Virginia 22209

American Pet Products Manufacturers Assoc.
James M. Cassidy, AAFCO Liasion
13 Perry St.
No. Andover, MA 01845

Cargill, Nutrena Feed Division
D. M. Ketcham, Regulatory Manager
15407 McGinty Road
Box 5614
Minneapolis, MN 55440

Central Soya
Charles W. Klinger, Director of Regulatory Compliance
Post Office Box 1400
Fort Wayne, IN 46801-1400

Grain & Feed Investors, Inc.
PO Box 69
Charles Town, WV 25414

Greenbrier Valley Farm Supply
Ronceverte, WV 24970

Kent Feeds, Inc.
Max W. Churchill, Feed Regulatory Compliance
1600 Oregon Street
PO Box 749
Muscatine, IA 52761

Moorman Manufacturing Co.
Doris Hoener, manager
State Feed and Pesticide Reg. Comp.
1000 N. 30th Street
PO Box C1
Quincy, IL 62305-3115

National Feed Ingredients Association
Betty Pendleton, Director of Regulatory Affairs
One Corporate Place, Suite 375
West Des Moines, IA 50265

Park Grove Farms
Richard Skaggs
Lewisburg, WV 24901

Ralston Purina Company
Henry G. Thill, Manager
State Regulatory Affairs
Checkerboard Square
St. Louis, MO 63164

Dale Sampson
Rt. 1, Box 200
Wheeling, WV 26003

Southern States Coop., Inc.
Roy Jones
Post Office Box 26234
Richmond, VA 23260

Steptoe & Johnson
George Carenbauer
PO Box 1588
Charleston, WV 25326

West Virginia Farm Bureau
Fred Butler
Route 2, Box 159
Inwood, WV 25428

West Virginia Farm Bureau
Steve Hannah, Executive Secretary
One Red Rock Road
Buckhannon, WV 26201

West Virginia University
Dr. Rachel Tompkins, Assoc. VP of University Ext.
Room 817, Knapp Hall
PO Box 6031
Morgantown, WV 26506-6031

Cleve Benedict
Commissioner of Agriculture

NEWS RELEASE

July 8, 1991

Charleston, West Virginia 25305

Public hearings scheduled for new regulations

Agriculture Commissioner Cleve Benedict announced a series of public hearings on new regulations and encouraged public participation in the process.

Benedict said the public hearings give the West Virginia Department of Agriculture (WVDA) the opportunity to modify regulations after taking public input into consideration.

In addition to the public hearings, written comments will be accepted until the time of the hearing. The public hearings will be held on the following days:

July 12, 1 p.m.	Licensing of Pesticide Business
July 12, 3 p.m.	Regulations to Govern Aerial Application of Herbicides to Right of Way
July 29, 10 a.m.	Frozen Desserts and Imitation Frozen Desserts
July 29, 2 p.m.	Commercial Feed
July 30, 10 a.m.	Assessment of Civil Penalties for Consent Agreement or Negotiated Settlements (Pesticides)
July 30, 1 p.m.	Certified Pesticide Applicator
July 31, 10 a.m.	Licensing of Livestock Dealers
August 1, 10 a.m.	Disposal of Dead Poultry

All hearings will be held in the J. T. Johnson Conference Room in Building 2 of the Guthrie Agricultural Center, Charleston, W.Va., except for the Disposal of Dead Poultry hearing. The Dead Poultry hearing will be held at the Moorefield Agricultural Center.

Comment period deadlines for the following regulations (there are no public hearings) will be July 29 at noon:

Plant Pest Act
West Virginia Apiary Law of 1991
Animal Disease Control

For more information on how to comment on the new regulations, contact Barbara Smith, Director of Compliance, WVDA, at 304/348-2226.

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STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
State Capitol
Charleston, WV 25305

Cleve Benedict
Commissioner

July 3, 1991

TO ALL WEST VIRGINIA COMMERCIAL FEED REGISTRANTS:

Please find enclosed a copy of the new West Virginia Commercial Feed Law, which went into effect May 28, 1991.

This new legislation was written based on the Association of American Feed Control Officials (AAFCO) Uniform Feed Bill. Some provisions were also included to best meet West Virginia's own commercial feed industry.

Also enclosed are the new application forms for product registrations. Please discard any previous applications used by the West Virginia Department of Agriculture.

In addition, emergency rules were filed and became effective June 26, 1991. Should you wish to obtain a copy for your review and comment, please contact Paula Moore, Registration Specialist, at 304-348-2226 (phone) or 304-348-3594 (FAX).

A public hearing will be held:

Monday, July 29, 1991 at 2:00 p.m.
West Virginia Department of Agriculture
J. T. Johnson Conference Room, Building 2
Guthrie Agricultural Center
Charleston, West Virginia 25312

Written comments will also be accepted until July 29, 1991. Comments may be mailed to my attention at the following address:

West Virginia Department of Agriculture
Compliance Division
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Should you have any questions regarding the new commercial feed law and regulations, please do not hesitate to contact me or Paula Moore. We look forward to working with you to implement this new legislation in West Virginia.

Sincerely,

Barbara J. Smith

Barbara J. Smith, Director
Compliance Division
304-348-2226

BJS:pm:feedcom
Enclosures: WV Commercial Feed Law
(4) product registration applications