



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: Department of Agriculture	<input checked="" type="checkbox"/> Permanent Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Expedited Rule Making
(1) Date of adoption: November 19, 2003	

(2) Purpose: To adopt chapter 16-250 WAC Commercial Feed Rules - see Attachment (2)

(3) Citation of existing rules affected by this order:
 Repealed: None
 Amended: None
 Suspended: None

(4) Statutory authority for adoption: Chapter 15.53 RCW and Chapter 34.05 RCW
 Other Authority:

PERMANENT RULE ONLY (Including Expedited Rule Making)
 Adopted under notice filed as WSR **03-19-128** on September 17, 2003.
 Describe any changes other than editing from proposed to adopted version: None

EMERGENCY RULE ONLY
 Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:
 Yes No If Yes, explain:

(6) Effective date of rule:
Permanent Rules
 31 days after filing
 Other (specify) 7-1-04*

Emergency Rules
 Immediately
 Later (specify) _____

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print) Valoria H. Loveland	
Signature 	
Title Director	Date November 19, 2003

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
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NOV 19 2003

TIME: 10:25

WSR: 03-19-128 AM
PM

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	0	Amended	0	Repealed	0
Federal rules or standards:	New	0	Amended	0	Repealed	0
Recently enacted state statutes:	New	0	Amended	0	Repealed	0

The number of sections adopted at the request of a nongovernmental entity:

	New	0	Amended	0	Repealed	0
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The number of sections adopted in the agency's own initiative:

	New	47	Amended	0	Repealed	0
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

	New	0	Amended	0	Repealed	0
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The number of sections adopted using:

Negotiated rule making:	New	0	Amended	0	Repealed	0
Pilot rule making:	New	0	Amended	0	Repealed	0
Other alternative rule making:	New	47	Amended	0	Repealed	0

Washington State Department of Agriculture

CR-103 Form-Attachment (2) Purpose:

Adoption of Chapter 16-250 WAC Commercial Feed Rules

This new chapter 16-250 WAC creates a set of regulations that are easy to understand and use, reflect current national standards as expressed in the Association of American Feed Control Officials (AAFCO) model regulations, safeguard public health and the health of animals, establish a structure for orderly commerce with other states by ensuring that WSDA commercial feed rules are consistent with AAFCO model regulations, and provide protection for consumers and the regulated industry.

Many of the requirements in this new commercial feed chapter are either identical or substantially the same as the commercial feed requirements in the commercial feed rule sections, which the department has repealed (WAC 16-200-750 through WAC 16-200-887). However, several new requirements have been added to increase the protection of animals, consumers and industry. Also the new chapter has been written more clearly and organized it in a more "user friendly" way than the rule sections that are repealed.

Specifically, Chapter 16-250 WAC Commercial Feed Rules:

(1) Safeguards public health, the health of the State's livestock, poultry and fish and provides increased protection for consumers and the commercial feed manufacturers and distributors operating in Washington State.

To achieve this, we have strengthened commercial feed labeling requirements in WAC 16-250-030 to:

- Improve our ability to track commercial feed from the manufacturer to the final distributor (WAC 16-250-030(9)). In the event of a recall, this lot identifier will increase the effectiveness of the recall and improve commercial feed safety. Also, by adding this lot identifier requirement, the department voluntarily complies with federal regulations. Now, under the Federal Bio-terrorism Act, the Food and Drug Administration is requiring that all animal food be traceable from the manufacture through final distribution.
- Enable commercial feed purchasers to easily identify the animals for which the feed is intended we have added Subsection (3). (WAC 16-250-030(3))
- Make companies aware that when the term "organic" is used on a label it has a specific meaning and additional regulations apply we have added subsection (10). (WAC 16-250-030(10))

In addition, the department has added new requirements to:

- Improve uniformity in labeling so the purchaser can more easily find information on commercial feed labels. To accomplish this, we added WAC 16-250-035 because it specifies where the new items required in WAC 16-250-030 must appear on the feed label.
- Ensure that commercial feed purchasers can easily identify the animals for which the feed is intended (WAC 16-250-045).
- Ensure animal safety. We added subsection (1) to WAC 16-250-050 because minerals are especially critical for swine, poultry, fish, veal and herd milk replacers. We also added subsection (5) to WAC 16-250-050 so commercial feed purchasers can identify the animals for which the feed is intended.
- Guarantee additional nutrients in order to provide label information on nutrient levels that are critical to the nutritional health of individual animal species (WAC 16-250-052 through WAC 16-250-060).
- Protect animal health by adding new mineral guarantees to WAC 16-250-063. Since these minerals are critical to the health of most animals, the new guarantees will help purchasers compare commercial feeds so they can determine which feed is best for their animals.
- Prevent the possibility of cross contamination of products (WAC 16-250-150). Certain ingredients and feed additives are only safe for certain species of animals. Proper cleaning of bags, totes and non-porous containers decreases the likelihood of cross contamination. Requiring documentation of the cleanout procedures used will remind an operator of the possibility of cross-contamination and the importance of preventing it.

(2) Addresses the specific needs of commercial feed manufacturers and distributors operating in Washington State.

Before this adoption, department rules regulating commercial feed were contained in fifteen sections of chapter 16-200 WAC, Feeds, Fertilizers and Livestock Remedies. The new chapter 16-250 WAC, Commercial Feed Rules is devoted specifically to the commercial feed industry and contains only regulations that are pertinent to that industry. In addition to creating a separate rule chapter for the commercial feed industry, the department has added a number of "commercial feed specific" definitions to help those who use the chapter better understand its contents.

(3) Is written in a clear and readable style that allows users to more easily understand and apply WSDA commercial feed regulations.

Compare the following two examples. Both rule sections contain substantially the same requirements but the new rule, because of format changes and the use of plain English is easier to read and understand.

Repealed Rule	New Adopted Rule
<p>WAC 16-200-760</p> <p>(3) A 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 component 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 in the opinion of the department, the ingredient or combination of ingredients is present in sufficient quantity to impart a distinctive characteristic to the product, that it does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients, and that it is not otherwise false or misleading.</p>	<p>WAC 16-250-040</p> <p>(3) Except for the circumstances described in subsection (4) of this section, the name of a commercial feed must not be derived from:</p> <ul style="list-style-type: none"> (a) One or more ingredients of a mixture to the exclusion of the other ingredients; or (b) One component of a mixture unless all components are included in the name. <p>(4) When a commercial feed contains any ingredient or combination of ingredients for the purpose of imparting a distinct characteristic to the product that is significant to the purchaser, the name of that ingredient or combination of ingredients may be used as part of the brand name or product name if the department determines that the:</p> <ul style="list-style-type: none"> (a) Ingredient or combination of ingredients is present in sufficient quantity to impart a distinctive characteristic to the product; (b) Product name does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients; and (c) Product name is not otherwise false or misleading.

(4) Uses tables to clearly and succinctly present information wherever possible and appropriate.

Notice how the repealed WAC 16-200-770 (Expression of guarantees) subsection (4) presents information regarding guarantees of minimum vitamin content:

WAC 16-200-770

(4) Guarantees of minimum vitamin content of commercial feeds shall be listed in the order specified and shall be stated in milligrams per pound unless otherwise specified:

- (a) Vitamin A, other than precursors of Vitamin A, in International Units per pound.
- (b) Vitamin D-3 in products offered for poultry feeding, in International Chick Units per pound.
- (c) Vitamin D, for other uses, in International Units per pound.
- (d) Vitamin E, in International Units per pound.
- (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.
- (f) Vitamin B-12, in milligrams or micrograms per pound.
- (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.

Now, notice how the same information is presented in the new adopted section, WAC 16-250-073 (Expression of guarantees—Minimum vitamin content).

WAC 16-250-073

Guarantees of minimum vitamin content for commercial feeds must be listed in the order shown in the following table. The guarantees must be stated in:

- (1) Milligrams per pound; or
- (2) Per unit consistent with the units on the quantity statement; or
- (3) For the vitamins listed in the following table, the units must be consistent with those in the table:

Vitamins	
Type of Vitamin and Listing Order	Stated in:
Vitamin A, other than precursors of Vitamin A	International Units per pound (IU/lb)
Vitamin D-3 in products offered for poultry feeding	International Chick Units per pound (ICU/lb)
Vitamin D, for other uses	International Units per pound (IU/lb)
Vitamin E	International Units per pound (IU/lb)
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 (g) instead of units per pound (lb)
Vitamin B-12	Milligrams or micrograms per pound (μ)
Menadione, riboflavin, d-pantothenic acid, thiamine, niacin, vitamin B-6, folic acid, choline, biotin, inositol, p-amino benzoic acid, ascorbic acid, and carotene	Milligrams per pound (mg/lb)

(5) Presents rule requirements in shorter, more focused rule sections rather than the traditional practice of presenting a wide range of information in very long, tediously sub-divided sections.

Comparing the Table of Contents of the repealed rule with the Table of Contents of the adopted rule, you can see how the longer repealed sections have generally been divided into shorter, more focused sections in the new adopted chapter. Also, notice how we have tried to make the section titles of the new adopted chapter more descriptive than those used for the repealed sections in the old rule.

Repealed Rule Section Titles	Rule Section Titles Used in Chapter 16-250 WAC
	WAC 16-250-001 Effective date.
	WAC 16-250-005 Commercial feed regulated by this chapter.
WAC 16-200-750 Definitions and terms.	WAC 16-250-010 Commercial feed terms and definitions
	WAC 16-250-015 Feed ingredient names and definitions
WAC 16-200-755 Label format.	WAC 16-250-018 Customer-formula feed labeling required.
	WAC 16-250-020 Label information and recordkeeping requirements for customer-formula feed.
	WAC 16-250-028 Commercial feed labeling required except customer-formula feed.
	WAC 16-250-030 Recordkeeping requirements and label information required on all commercial feed labels except customer-formula feed.
	WAC 16-250-035 Format required for all commercial feed labels except customer-formula feed.
WAC 16-200-760 Brand and product names.	WAC 16-250-040 Product or brand name label information required for all commercial feeds except customer-formula feed.
	WAC 16-250-042 Label information required when a drug is used in commercial feed.
	WAC 16-250-045 Purpose of feed statement requirements for commercial feed, except grain mixture feeds.
	WAC 16-250-050 Guarantee requirements that apply to WAC 16-250-052 through 16-250-065.
	WAC 16-250-051 Exemptions from the guarantees required in WAC 16-250-052 through 16-250-063
WAC 16-200-770 Expression of guarantees.	WAC 16-250-052 Guarantees for all swine commercial feed except customer-formula feed.
	WAC 16-250-053 Guarantees for all poultry commercial feed (broilers, layers and turkeys) except customer-formula feed.
	WAC 16-250-054 Guarantees for all beef cattle commercial feed except customer-formula feed.
	WAC 16-250-055 Guarantees for all dairy cattle commercial feed except customer-formula feed.
	WAC 16-250-056 Guarantees for all equine commercial feed except customer-formula feed.
	WAC 16-250-057 Guarantees for all goat and sheep commercial feed except customer-formula feed.
	WAC 16-250-058 Guarantees for all duck and goose commercial feed except customer-formula feed.
	WAC 16-250-059 Guarantees for all fish commercial feed except customer-formula feed and specialty pet food.
	WAC 16-250-060 Guarantees for all rabbit commercial feed except customer-formula feed.
	WAC 16-250-063 Guarantees for all commercial feeds for animal species not specified in WAC 16-250-052 through 16-250-060 or in chapter 16-252 WAC, except customer-formula feed.
	WAC 16-250-065 Guarantees for grain mixture commercial feeds except customer-formula feed.

Repealed Rule Section Titles	Rule Section Titles Used in Chapter 16-250 WAC
	WAC 16-250-067 Guarantees for commercial feed sold primarily for sugar content.
	WAC 16-250-068 Guarantees for vitamin/mineral premix and base mix commercial feed.
	WAC 16-250-069 Expression of guarantees – Expressed as is.
	WAC 16-250-070 Expression of guarantees-Sliding-scale method prohibited.
	WAC 16-250-071 Expression of guarantees - Protein, amino acids, fat, and fiber.
	WAC 16-250-072 Expression of guarantees - Minerals.
	WAC 16-250-073 Expression of guarantees - Minimum vitamin content.
	WAC 16-250-074 Expression of guarantees-Drugs.
	WAC 16-250-075 Expression of guarantees and special requirements – Commercial feed containing any added non-protein nitrogen.
	WAC 16-250-076 Expression of guarantees - Microorganisms and enzymes.
	WAC 16-250-080 Substantiating nutritional suitability of commercial feed except for customer-formula feed.
WAC 16-200-790 Ingredient statement.	WAC 16-250-090 Feed ingredient statement terms and recordkeeping requirements.
	WAC 16-250-095 Drug and feed additive requirements.
WAC 16-200-795 Directions for use and precautionary statements.	WAC 16-250-100 Directions for use and precautionary statement requirements.
WAC 16-200-805 Tonnage fees.	WAC 16-250-155 Tonnage fee requirements.
WAC 16-200-815 Adulteration.	WAC 16-250-120 Adulteration of feed.
WAC 16-200-820 Screenings.	WAC 16-250-110 Screenings.
WAC 16-200-830 Nonprotein nitrogen.	
WAC 16-200-840 Artificial color.	WAC 16-250-140 Use of artificial coloring.
WAC 16-200-860 Used sacks and containers.	WAC 16-250-150 Reusing bags, totes, and containers.
WAC 16-200-865 Commercial feed license.	WAC 16-250-160 Commercial feed license application requirements.
WAC 16-200-885 Commercial feed label submission.	WAC 16-250-170 Commercial feed label submission requirements.
WAC 16-200-887 Good manufacturing practices.	WAC 16-250-180 Good manufacturing practices adopted.

- (6) Incorporating applicable parts of the Association of American Feed Control Officials (AAFCO) model regulations helps increase the flow of trade and information and promotes regulatory consistency between Washington's commercial feed manufacturers and distributors and the manufacturers and distributors in our sister states.**

In several sections of the new chapter 16-250 WAC, language has been added to ensure that the WSDA rule is consistent with AAFCO's commercial feed model regulations requirements. For example:

- WAC 16-250-045 (Purpose of feed statement requirements for commercial feed, except grain mixture feeds) was added to further protect consumers, pets and industry and also make the department's commercial feed rules more consistent with AAFCO and the regulations of our sister states. The department did add the word "feed" to the AAFCO "purpose statement" language to distinguish between when the purpose statement was referring to feed and when it was referring to drugs.
- Similarly, the animal classes in WAC 16-250-052 (Guarantees for all swine commercial feed except customer-formula feed) through WAC 16-250-060 (Guarantees for all rabbit commercial feed except customer-formula feed) were added to be consistent with AAFCO's Model Regulations.
- WAC 16-250-080 (Substantiating nutritional suitability of commercial feed except for customer-formula feed) was added to strengthen the department's commercial feed rules and make them more consistent with AAFCO.
- Finally, WAC 16-250-095 (Drug and feed additive requirements) was also added to strengthen the department's commercial feed rules and make them more consistent with AAFCO.

Chapter 16-250 WAC
COMMERCIAL FEED RULES

NEW SECTION

WAC 16-250-001 Effective date. Chapter 16-250 WAC, commercial feed rules becomes effective on July 1, 2004.

NEW SECTION

WAC 16-250-005 Commercial feed regulated by this chapter.

(1) Commercial feed for beef cattle, dairy cattle, equine, goats and sheep, chickens and turkeys, ducks and geese, fish, rabbits, swine, and other animals not specifically regulated under chapter 16-252 WAC are regulated by this chapter.

(2) Chapter 16-252 WAC (Commercial feed rules: Pet food and specialty pet food) regulates pet food and specialty pet food except for customer-formula food.

(a) Where a conflict occurs between the provisions of chapter 16-252 WAC and those of this chapter, the regulations in chapter 16-252 WAC take precedence.

(b) Where a commercial pet food and/or specialty pet food issue arises on which chapter 16-252 WAC is silent and a provision in this chapter addresses the issue, then this chapter must be followed. The department expects such situations will be rare.

Note: Processed animal waste as a commercial feed is regulated under chapter 16-256 WAC.

NEW SECTION

WAC 16-250-010 Commercial feed terms and definitions. Except for the specific terms and definitions contained in this section or in RCW 15.53.901, the terms and definitions used in reference to commercial feeds, in this chapter, are the official feed terms

adopted by the Association of American Feed Control Officials (AAFCO) and published in the association's official publication. Throughout these rules where the Association of American Feed Control Officials (AAFCO) official publication is referred to, the reference is to the *2003 Official Publication*.

Note: A copy of the official publication is on file with the department. Copies may be purchased from AAFCO Assistant Secretary Treasurer; P.O. Box 478 Oxford, IN 47971.

"Animal wastes" means a material composed of excreta, with or without bedding materials and/or animal drugs, collected from poultry, ruminants or other animals except humans.

"Canned" means feed that has been processed, packaged, sealed, and sterilized for preservation in cans, pouches, or similar containers.

"Commercial feed" means all materials or combinations of materials that are distributed or intended for distribution for use as feed or for mixing in feed, unless such materials are specifically exempted. The following commodities are exempted and are not considered "commercial feed" if they are not adulterated (see RCW 15.53.902 for a list of conditions that cause commercial feeds to be adulterated):

- Unmixed whole seeds and physically altered entire unmixed seeds when such seeds are not chemically changed.
- Raw meat, hay, loose salt, straw, stover, silage, cobs, husks, and hulls when such commodities are not ground, mixed or intermixed with other materials.

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

"Department" means the Washington state department of agriculture (WSDA).

"Director" means the director of the Washington state department of agriculture or the director's designee.

"Distressed pet food" means pet food (dog and cat) in distribution that is no longer available for retail sale. Examples of distressed pet food include, but are not limited to, dented cans, torn bags, or pet food past its sell-by date.

"Distressed specialty pet food" means specialty pet food in distribution that is no longer available for retail sale. Examples of distressed specialty pet food include, but are not limited to, dented cans, torn bags, or specialty pet food past its sell-by date.

"Distribute" means to:

(a) Offer for sale, sell, exchange or barter, commercial feed;

or

(b) Supply, furnish, or otherwise provide commercial feed to a contract feeder.

"Distributor" means a person who distributes.

"Drug" means:

(a) Any article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than man; and

(b) Articles other than feed intended to affect the structure or any function of the animal body.

"Enzyme" means a protein made up of amino acids or their derivatives, which catalyses a defined chemical reaction. Required cofactors should be considered an integral part of the enzyme.

"Facility" means any place where a commercial feed is manufactured, repackaged, sold, transloaded, or stored for later distribution.

"Feed ingredient" means each of the constituent materials making up a commercial feed.

"Grain mixture feed" means mixed or intermixed whole or physically altered grains, that:

- (a) Are not chemically altered;
- (b) May or may not contain molasses; and
- (c) Except for molasses, contain no other additives.

"Guarantee" means a listing of specified nutrients or nonnutritive substances contained in a commercial feed that the manufacturer or distributor named on the feed label warrants as specified in these rules.

"Guaranteed analysis" means a listing of the minimum, maximum or both minimum and maximum concentrations of specified nutrients contained in a commercial feed that the manufacturer or distributor named on the feed label warrants. Both minimum and maximum concentrations of specified nutrients contained in a commercial feed are stated on an "as is" basis rather than on a "one hundred percent moisture free" basis in units specified by these rules.

"Initial distributor" means a person who first distributes a commercial feed in or into Washington state.

"Ingredient statement" means a contiguous listing on the label of all ingredients of which the commercial feed is composed.

"Label" means a display of written, printed, or graphic matter upon or affixed to the container in which a commercial feed is distributed, or on the invoice or delivery slip with which a bulk commercial feed is distributed.

"Labeling" means all labels and other written, printed, or graphic matter:

- (a) Upon a commercial feed or any of its containers or wrappers; or
- (b) Accompanying such commercial feed.

"Lot identifier" means a unique identifier for each lot, batch or production run that enables the manufacturer to accurately trace the complete manufacturing and distribution history of the product. A lot identifier is an individual lot, batch or production run number, code, date, or other suitable identification applied to the label, container, or package. In the case of bulk feed the lot identifier is on a label, invoice, or shipping document accompanying the feed.

"Net weight" means the weight of a commodity excluding any materials, substances, or items not considered to be part of the commodity. Examples of materials, substances, or items not considered to be part of a commodity include, but are not limited to, containers, conveyances, bags, wrappers, packaging materials,

labels, individual piece coverings, decorative accompaniments, and coupons. (See RCW 19.94.010 (1)(i).)

"Nutritionally adequate" means the feed, when fed according to directions on the label, will meet the nutritional requirements of the class of animals for which the feed was manufactured.

"Nutritionally suitable" means nutritionally adequate.

"Person" means an individual, firm, partnership, corporation, or association.

"Pet food" means a commercial feed prepared and distributed for consumption by domesticated dogs or cats.

"Principal display panel" means the part of a label that is most likely to be displayed, presented, shown or examined under normal and customary conditions of display for retail sale.

"Prohibited mammalian protein" means any protein-containing portion of mammalian animals, excluding:

- Blood and blood products;
- Gelatin;
- Inspected meat products that have been cooked and offered for human food and further heat processed for feed (such as plate waste and used cellulose food casings);
- Milk products (milk and milk proteins); and
- Products whose only mammalian protein is porcine or equine protein.

"Processed," as applied to animal waste, means thermally dehydrated, dry-stacked, ensiled, oxidized, chemically treated, microbiologically digested, chemically or physically fractionated, or treated by other processes that enable an animal waste product to comply with the standards established in this chapter.

"Quantity statement" means the part of the label expressing net weight (mass), net volume (liquid or dry) or count.

"Repackage" means taking commercial feed from packages (no larger than one hundred pounds for dry feed or fifty-five gallons for liquid feed) and placing it into smaller packages for resale.

"Salvage pet food" means pet food (dog and cat) still under control of the original manufacturer and will not be offered for sale at retail. Examples include, but are not limited to, start-up and over-run product, unpelletted pet food, pet food fines, and other products not suitable for packaging for retail sale.

"Salvage specialty pet food" means specialty pet food still under control of the original manufacturer and will not be offered for sale at retail. Examples include, but are not limited to, start-up and over-run product, unpelletted specialty pet food, specialty pet food fines, and other products not suitable for packaging for retail sale.

"Sell" or **"sale"** includes exchange.

"Specialty pet" means a domesticated animal pet normally maintained in a cage or tank, such as, but not limited to, gerbils, hamsters, canaries, psittacine birds, mynahs, finches, tropical fish, goldfish, snakes, and turtles.

"Specialty pet food" means a commercial feed prepared and distributed for consumption by specialty pets.

"Transload" means to transfer commercial feed from one carrier

to another carrier without processing or blending the ingredients. For example, transferred from rail cars to trucks or shipping containers.

NEW SECTION

WAC 16-250-015 Feed ingredient names and definitions. Except for the specific names and definitions contained in this section, the names and definitions used in reference to commercial feed ingredients, in this chapter, are the official names and definitions of feed ingredients established by the Association of American Feed Control Officials (AAFCO) and published in the association's official publication.

"Dehydrated grass meal" means the aerial portion of a grass plant that is:

- Cut before the formation of seed;
- That is reasonably free of other crop plants, weeds, and mold;
- Is finely ground; and
- Dried by artificial thermal means.

Note: If a dehydrated grass meal product is identified by a species name, the product must be made from that species.

"Grass seed by-products meal or pellets" means a ground product consisting of light and broken seeds, hulls, chaff, straw, and some weed seeds but excluding sand, dirt, and heavy weed seeds.

"Grass seed screenings meal or pellets" means a product comprised chiefly of hulls obtained from the cleaning of various grass seeds.

"Pea bran" means a product consisting primarily of the various components from a pea splitting operation. Pea bran must contain at least ten percent crude protein and not more than thirty-eight percent crude fiber.

"Pea by-products meal" means a product containing light and broken peas, and offal from pea cleaning, which includes chips, pea powder, pea hulls, and screenings. Pea by-products meal must contain at least fifteen percent crude protein and not more than thirty percent crude fiber.

"Pea meal" means a pea product resulting from the grinding of whole peas that are reasonably free of other crop seeds, weeds, and mold. Pea meal must contain at least twenty percent crude protein and not more than eight percent crude fiber.

"Pea screenings meal" means a product consisting primarily of the various components from the screening and cleaning of peas. Pea screenings meal must contain at least ten percent crude protein and not more than thirty-eight percent crude fiber.

NEW SECTION

WAC 16-250-018 Customer-formula feed labeling required.

There are no label format requirements for customer-formula feed. However, a label, invoice, delivery ticket or other shipping document containing all of the information required in WAC 16-250-020(1) must:

- (1) Accompany all deliveries of bulk or packaged customer-formula feed; and
- (2) Be given to the purchaser; or
- (3) If the purchaser is not present when the customer-formula feed is delivered, the label, invoice, delivery ticket or other shipping document may be left with the delivered feed in a place predetermined by the purchaser.

NEW SECTION

WAC 16-250-020 Label information and recordkeeping requirements for customer-formula feed. (1) Using labels, invoices, delivery tickets, or some other type of shipping document, customer-formula feed must be labeled with the following information:

- (a) Name and address of the manufacturer;
- (b) Name and address of the purchaser;
- (c) Date of delivery;
- (d) Customer-formula feed name and brand name if any;
- (e) Directions for use and precautionary statements as required by WAC 16-250-100 and 16-250-075(3);
- (f) If a drug is used, the label must contain information required by WAC 16-250-042; and
- (g) The quantity statement.

(2) The product name and net quantity of each commercial feed and each other ingredient used in the customer-formula feed must be on file at the plant producing the product. These records do not have to be delivered with the customer-formula feed, but they must be:

- (a) Kept on file for at least one year after the date of the last distribution;
- (b) Available to the purchaser, the dealer making the distribution, and the department on request; and
- (c) Meet the ingredient statement requirements of WAC 16-250-090.

(3) In addition to the requirements of this chapter, if the term "organic" is used on labels or shipping documents of any customer-formula feed, the feed must be produced under conditions that comply with the 2001 National Organic Program final rule standards for the production and handling of organic crops, livestock and processed food products. The 2001 National Organic

Program final rule may be obtained from the department, or on the Internet at <http://www.ams.usda.gov/nop/NOP/standards.html>.

NEW SECTION

WAC 16-250-028 Commercial feed labeling required except customer-formula feed. Except for customer-formula feed, a label complying with the requirements in WAC 16-250-030 and 16-250-035 must accompany all commercial feed offered for distribution. This includes both packaged and bulk commercial feeds. (Customer-formula feed must comply with the requirements in WAC 16-250-020.)

NEW SECTION

WAC 16-250-030 Recordkeeping requirements and label information required on all commercial feed labels except customer-formula feed. All commercial feed labels, except for customer-formula feed, must contain the information described in this section. The information in subsections (1) through (8) of this section must appear on the label of the product in the following order. The information in subsection (9)(a) of this section must be on the label, container, or package, but may be in a different location than the information in subsections (1) through (8) of this section.

(1) Product name and brand name, if any, consistent with requirements in WAC 16-250-040.

(2) Drugs used in the feed, if any, consistent with requirements in WAC 16-250-042.

(3) Purpose of feed statement consistent with requirements in WAC 16-250-045.

(4) Guarantees consistent with requirements in WAC 16-250-050 through 16-250-076.

(5) Feed ingredient statement consistent with requirements in WAC 16-250-090.

(6) Directions for use and precautionary statements or a reference to their location, if any, required detailed feeding directions and precautionary statements appear elsewhere on the label consistent with requirements in WAC 16-250-100 and 16-250-075(3).

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

the manufacturer or person responsible for distributing the feed is located.

(8) Quantity statement.

(9)(a) Lot identifier that is sufficient to allow the manufacturer to accurately trace the complete manufacturing and distribution history of the product.

(b) Records relating the lot identifier to the manufacture, processing, packing, distribution, receipt, or holding of the product must be kept for one year after the last date of distribution.

(10) In addition to the requirements of this chapter, if the term "organic" is used on labels of any commercial feed, the feed must be produced under conditions that comply with the 2001 National Organic Program final rule standards for the production and handling of organic crops, livestock and processed food products. The 2001 National Organic Program final rule may be obtained from the department, or on the Internet at <http://www.ams.usda.gov/nop/NOP/standards.html>.

(11) All required label information must be stated in English. In addition, label information may be translated into other languages. However, if the label is translated into another language, then the translation must give the same information as the English version of the label.

NEW SECTION

WAC 16-250-035 Format required for all commercial feed labels except customer-formula feed. (1)(a) The following label information must appear in its entirety, in the following order, on one side of the label or container of all commercial feed except customer-formula feed:

(i) Product name and brand name, if any;

(ii) Drug used, if any drug is used;

(iii) Purpose of feed statement;

(iv) Guaranteed analysis;

(v) Feed ingredients;

(vi) Directions for use and precautionary statements or reference to their location if they appear elsewhere on the label;

(vii) Name and principal mailing address of the manufacturer or person responsible for distributing the feed; and

(viii) Quantity statement.

(b) A lot identifier must appear on the label of all commercial feed, but may be in a different location than the information required by (a) of this subsection.

(2)(a) If a reference to the location of the directions for use and precautionary statements is made on the principal label, the directions for use and precautionary statements must be displayed in a prominent place on the label or container but not

necessarily on the same side as the information required in subsection (1)(a) of this section.

(b) When directions for use or precautionary statements are placed on a different side of the label or container than the information required in subsection (1)(a) of this section, there must be a statement on the same side of the label or container that the information required in subsection (1)(a) of this section is printed such as "see back of label for directions for use."

(3) When the Bovine Spongiform Encephalopathy precautionary statement "do not feed to cattle or other ruminants" is required by 21 CFR, Part 589.2000 (2002 edition), it must appear in a prominent place on the label.

Note: A copy of 21 CFR, Part 589.2000 is available from the department. It is also available on the Internet at http://www.access.gpo.gov/nara/cfr/waisidx_01/21cfr589_01.html.

(4) The information required in WAC 16-250-030 must not be subordinated or obscured by other statements or designs.

(5) Printed or written material or design (for example, pictures of animals or birds) of any kind must not be attached to, appear on, or distributed with commercial feed if the material or design is misleading, incorrect, or at variance in any respect with the information required on the label.

(6)(a) Statements referring to a competitive product or comparing the properties of a packaged feed to those of a competitive product must not appear on a label unless the competitive product is specifically identified.

(b) Negative statements regarding a competitive product must not appear on a label unless the director determines that the information provided by the statements is beneficial to the product's purchaser.

NEW SECTION

WAC 16-250-040 Product or brand name label information required for all commercial feeds except customer-formula feed. The following label requirements apply to any commercial feed, except customer-formula feed, distributed under a product or brand name:

(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 to that use. For example, a mixture labeled "dairy feed" must be suitable for dairy animals.

(2) When reviewing product names for single ingredient feeds, the department will be guided by the definitions of feed ingredients and feed terms established by the Association of American Feed Control Officials' official publication unless those definitions and terms are specifically defined in chapter 15.53 RCW or WAC 16-250-010 and 16-250-015.

(3) Except for the circumstances described in subsection (4)

of this section, the name of a commercial feed must not be derived from:

(a) One or more ingredients of a mixture to the exclusion of the other ingredients; or

(b) One component of a mixture unless all components are included in the name.

(4) When a commercial feed contains any ingredient or combination of ingredients for the purpose of imparting a distinct characteristic to the product that is significant to the purchaser, the name of that ingredient or combination of ingredients may be used as part of the brand name or product name if the department determines that the:

(a) Ingredient or combination of ingredients is present in sufficient quantity to impart a distinctive characteristic to the product;

(b) Product name does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients; and

(c) Product name is not otherwise false or misleading.

(5) The word "vitamin" or a contraction of it, or any word suggesting vitamin, can only be used in the name of a feed that is:

(a) Represented to be a vitamin supplement; and

(b) Labeled with the minimum content, as specified in WAC 16-250-073, of each vitamin declared.

(6) The term "mineralized" may only be used in a feed name for "trace mineralized salt" and must not be used in the name of any other feed. "Trace mineralized salt" must contain significant amounts of trace minerals that are recognized as essential for animal nutrition.

(7)(a) If a brand name includes a single percentage value without explanation, the percentage value must signify the feed's crude protein content. For example, "BLUE BIRD FEEDS 18% Dairy Feed" means that the feed contains eighteen percent crude protein.

(b) If a brand name includes a single percentage value and the percentage does not represent crude protein content, the brand name must indicate what the percentage represents. For example, "BLUE BIRD FEEDS 2.0% Selenium Concentrate Premix."

(c) If a brand name includes more than one percentage value, the percentage must be followed by a corresponding description. For example, "BLUE BIRD FEEDS 20% Crude Protein/20% Fat Calf Milk Replacer."

(d) If the brand name contains either a percentage value that signifies crude protein or the word "protein," then the feed must contain no more than one and one-quarter percent nonprotein nitrogen.

(8) Commercial feed must be considered a distinct brand if it differs in guaranteed analysis, trademark name, or any other characteristic method of marking. However, this requirement does not prevent a brand from being distributed in various physical forms.

NEW SECTION

WAC 16-250-042 Label information required when a drug is used in commercial feed. If a drug is used in commercial feed, the label must contain:

- (1) The word "medicated" appearing directly after and below the product name in a type size that is at least one-half the type size of the product name.
- (2) A purpose of feed statement as required in WAC 16-250-045.
- (3) Information stating the purpose of the medication.
- (4) An active ingredient statement listing the:
 - (a) Active drug ingredients by established name; and
 - (b) Amount of active drug ingredient per unit (for example mg/lb, g/ton) consistent with requirements in WAC 16-250-074.

NEW SECTION

WAC 16-250-045 Purpose of feed statement requirements for commercial feed, except grain mixture feeds.

Note: This section applies to:

- (1) Medicated customer-formula feed; and
- (2) All commercial feeds, except feed distributed under WAC 16-250-065, whether medicated or not.

(1) A purpose statement is not required for grain mixture feeds.

(2) The purpose of feed statement must contain the species and animal class or classes for which the feed is intended.

(3) Animal classes for many species are listed in WAC 16-250-052 through 16-250-060. The manufacturer has the flexibility to use more specific and common language to describe these animal classes, species, and purpose of feed, especially when describing such things as the weight range, sex, or age of the animal for which the feed is manufactured.

(4) The purpose of feed statement may contain multiple species and classes, as long as the feed is nutritionally suitable for all of the species and classes of animals listed, and the guaranteed analysis includes all of the nutrients that must be guaranteed for each species.

(5) The purpose of feed statement may be excluded from the label if the product name includes a description of the species and animal class or classes for which the product is intended.

(6) If enzymatic activity related to the product is represented in any manner, the purpose of feed statement must include a statement explaining the purpose of that enzymatic activity.

(7) The purpose of feed statement for a commercial feed intended to provide a specialized nutritional source for use in the manufacture of other feeds such as a premix (see WAC 16-250-068) may replace animal class and species information with the words "for further manufacture of feed" if:

(a) The nutrients contained in the premix are guaranteed and sufficient for formulation into various animal species feeds; and
(b) The final user of the premix provides premix specifications.

(8) The purpose of feed statement of a single purpose ingredient blend, such as a blend of animal protein products, milk products, fat products, roughage products or molasses products may exclude the animal class and species information and state instead "for further manufacture of feed" if the label guarantees of the nutrients contained in the single purpose nutrient blend are sufficient for formulation into various animal species feed. See WAC 16-250-068 for regulations pertaining to single purpose ingredient blends.

NEW SECTION

WAC 16-250-050 Guarantee requirements that apply to WAC 16-250-052 through 16-250-065.

Note: "Guarantee" means a listing of specified nutrients or nonnutritive substances contained in a commercial feed that the manufacturer or distributor named on the feed label warrants as specified in these rules.

The requirements in subsections (1) through (4) of this section apply to WAC 16-250-052 through 16-250-065.

(1) Complete feeds and feeds intended to be mixed with grain to produce complete feed for the following animal classes and/or species always require a mineral guarantee:

- (a) Swine;
- (b) Poultry;
- (c) Fish; and
- (d) Veal and herd milk replacers.

(2) When stated on a commercial feed label, nutritional guarantees must be listed in the following order:

- (a) Crude protein;
- (b) Crude protein from nonprotein nitrogen;
- (c) Amino acids;
- (d) Crude fat;
- (e) Crude fiber;
- (f) Acid detergent fiber;
- (g) Calcium;
- (h) Phosphorus;
- (i) Salt;
- (j) Sodium.

(3) Other required and/or voluntary guarantees should follow those listed in subsection (2) of this section grouped by the unit (percentage, parts per million, International Units, etc.) of measure used to express the guarantees. For example, all guarantees measured by parts per million should be grouped together.

(4) The use of commercial, copyrighted brand, or trade names in the guarantees statement is prohibited.

(5) The following requirements apply to WAC 16-250-052 through 16-250-063:

(a) Commercial feed must be labeled for the animal class or classes for which it is intended.

(b) Commercial feed must also be nutritionally suitable for each and every class for which it is labeled.

(c) WAC 16-250-052 through 16-250-063 contains a series of animal class tables. When a manufacturer uses the class terms in the tables, the feed must be suitable for the class as defined in the table.

(d) Instead of the class terms used in the tables, a manufacturer may use more specific and common language to describe animal classes, especially when describing attributes such as the weight range, sex, or age of the animal for which the feed is manufactured.

NEW SECTION

WAC 16-250-051 Exemptions from the guarantees required in WAC 16-250-052 through 16-250-063. The following exemptions apply to WAC 16-250-052 through 16-250-063:

(1) Guarantees for crude protein, crude fat, and crude fiber are not required when:

(a) The commercial feed is intended for purposes other than to furnish these substances; or

(b) These substances are insignificant to the primary purpose of the product, such as drug premixes, mineral or vitamin supplements, and molasses.

(2) A mineral guarantee is not required when the feed or feed ingredient is not intended, represented, or does not serve as a principal source of that mineral to the animal.

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

(4) Guarantees for microorganisms are not required when:

(a) The commercial feed is intended for a purpose other than to furnish these substances; or

(b) These substances are insignificant to the primary purpose of the product, and no specific label claims are made.

(5) The information on animal class or classes and species is not required on single ingredient products if the ingredient is not intended, represented, or defined for a specific animal class or species.

NEW SECTION

WAC 16-250-052 Guarantees for all swine commercial feed except customer-formula feed.

(1)

Swine	
Classes	Approximate Size
Prestarter	2 to 11 pounds
Starter	11 to 44 pounds
Grower	44 to 110 pounds
Finisher (market)	110 to 242 pounds
Gilts, sows and adult boars	None specified
Lactating gilts and sows	None specified

(2) Guaranteed analysis for all animal classes of swine commercial feed must include the following nutrients on the label in the order listed below:

- (a) Minimum percentage of crude protein;
- (b) Minimum percentage of lysine;
- (c) Minimum percentage of crude fat;
- (d) Maximum percentage of crude fiber;
- (e) Minimum and maximum percentage of calcium;
- (f) Minimum percentage of phosphorus;
- (g) Minimum and maximum percentage of salt (if added);
- (h) Minimum and maximum percentage of total sodium must be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee;
- (i) Minimum selenium in parts per million (ppm);
- (j) Minimum zinc in parts per million (ppm).

NEW SECTION

WAC 16-250-053 Guarantees for all poultry commercial feed (broilers, layers and turkeys) except customer-formula feed.

(1)

Layer - Chickens grown to produce eggs for food, for example, table eggs	
Classes	Approximate Age
Starting/growing	From day hatched to 10 weeks
Finisher	From 10 weeks to the time the first egg is produced (20 weeks)
Laying	From the time the first egg is laid to the end of the chicken's egg production

Layer - Chickens grown to produce eggs for food, for example, table eggs	
Classes	Approximate Age
Breeder (chickens that produce fertile eggs for hatch replacement layers that lay eggs for food such as table eggs)	From the time the first egg is laid to the end of the chicken's productive cycle

Broiler - Chickens grown for human food	
Classes	Approximate Age
Starting/growing	From day hatched to 5 weeks
Finisher	From 5 weeks to market, 42 to 52 days
Breeders - Hybrid strains of chickens, any age and either sex, whose offspring are grown for human food (broilers)	Any age

Broiler-Breeder - Chickens whose offspring are grown for human food	
Classes	Approximate Age
Starting/growing	From day hatched to 10 weeks
Finishing	From 10 weeks to the time the first egg is produced (20 weeks)
Laying (fertile egg producing chickens-broilers/roasters)	From day of first egg to the end of fertile egg production

Turkey		
Classes	Purpose	Approximate Age
Starting/growing	Turkeys grown for human food	Females - From day hatched to 13 weeks
		Males - From day hatched to 16 weeks
Finisher	Turkeys grown for human food	Females - From 13 weeks to 17 weeks
		Males - From 16 weeks to 20 weeks or the desired market weight

Turkey		
Classes	Purpose	Approximate Age
Laying	Female turkeys producing eggs	From the time the first egg is produced to the end of egg production
Breeder	Turkeys grown to produce fertile eggs (both sexes)	From day hatched to time first egg is produced (30 weeks)

(2) Guaranteed analysis for all animal classes of poultry commercial feed must include the following nutrients on the label in the order listed below:

- (a) Minimum percentage of crude protein;
- (b) Minimum percentage of lysine;
- (c) Minimum percentage of methionine;
- (d) Minimum percentage of crude fat;
- (e) Maximum percentage of crude fiber;
- (f) Minimum and maximum percentage of calcium;
- (g) Minimum percentage of phosphorus;
- (h) Minimum and maximum percentage of salt (if added);
- (i) Minimum and maximum percentage of total sodium must be

guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee.

NEW SECTION

WAC 16-250-054 Guarantees for all beef cattle commercial feed except customer-formula feed.

(1)

Beef Cattle	
Classes	Production Stage
Calves	Birth to weaning
Cattle on pasture	May be stated in terms of specific production stage, for example, stocker, feeder, replacement heifers, brood cows, bulls, etc.
Feedlot cattle	None specified

(2) Guaranteed analysis for all animal classes of beef cattle commercial feed must include the following nutrients on the label in the order listed below:

- (a) Minimum percentage of crude protein;

- (b) Maximum percentage of crude protein from nonprotein nitrogen (NPN) when added;
- (c) Minimum percentage of crude fat;
- (d) Maximum percentage of crude fiber;
- (e) Minimum and maximum percentage of calcium;
- (f) Minimum percentage of phosphorus;
- (g) Minimum and maximum percentage of salt (if added);
- (h) Minimum and maximum percentage of total sodium must be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee;
- (i) Minimum percentage of potassium;
- (j) Minimum vitamin A, other than precursors of vitamin A, in International Units per pound (if added).
- (3) Guaranteed analysis for all beef cattle commercial mineral feeds must include the following nutrients (if added) on the label in the order listed below:
- (a) Minimum and maximum percentage of calcium;
- (b) Minimum percentage of phosphorus;
- (c) Minimum and maximum percentage of salt;
- (d) Minimum and maximum percentage of total sodium must be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee;
- (e) Minimum percentage of magnesium;
- (f) Minimum percentage of potassium;
- (g) Minimum copper in parts per million (ppm);
- (h) Minimum selenium in parts per million (ppm);
- (i) Minimum zinc in parts per million (ppm);
- (j) Minimum vitamin A, other than precursors of vitamin A, in International Units per pound.

NEW SECTION

WAC 16-250-055 Guarantees for all dairy cattle commercial feed except customer-formula feed.

(1)

Dairy Cattle	
Classes	Production Stage
Veal milk replacer	Milk replacer fed for veal production
Herd milk replacer	Milk replacer fed for herd replacement calves
Starter	From 3 days to 3 months
Growing heifers, bulls and dairy beef	Grower 1 - 3 months to 12 months

Dairy Cattle	
Classes	Production Stage
	Grower 2 - More than 12 months
Lactating	Cows in milk
Nonlactating	Dry cows

(2) Guaranteed analysis for veal and herd replacement milk replacer commercial feed must include the following nutrients on the label in the order listed below:

- (a) Minimum percentage of crude protein;
- (b) Minimum percentage of crude fat;
- (c) Maximum percentage of crude fiber;
- (d) Minimum and maximum percentage of calcium;
- (e) Minimum percentage of phosphorus;
- (f) Minimum vitamin A, other than precursors of vitamin A, in International Units per pound (if added).

(3) Guaranteed analysis for all animal classes of dairy cattle commercial feed must include the following nutrients on the label in the order listed below:

- (a) Minimum percentage of crude protein;
- (b) Maximum percentage of crude protein from nonprotein nitrogen (NPN) when added;
- (c) Minimum percentage of crude fat;
- (d) Maximum percentage of crude fiber;
- (e) Maximum percentage of acid detergent fiber (ADF);
- (f) Minimum and maximum percentage of calcium;
- (g) Minimum percentage of phosphorus;
- (h) Minimum selenium in parts per million (ppm);
- (i) Minimum vitamin A, other than precursors of vitamin A, in International Units per pound (if added).

(4) Guaranteed analysis for all dairy cattle mixing and pasture mineral commercial feeds must include the following nutrients (if added) on the label in the order listed below:

- (a) Minimum and maximum percentage of calcium;
- (b) Minimum percentage of phosphorus;
- (c) Minimum and maximum percentage of salt;
- (d) Minimum and maximum percentage of total sodium must be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee;
- (e) Minimum percentage of magnesium;
- (f) Minimum percentage of potassium;
- (g) Minimum selenium in parts per million (ppm);
- (h) Minimum vitamin A, other than the precursors of vitamin A, in International Units per pound.

NEW SECTION

WAC 16-250-056 Guarantees for all equine commercial feed except customer-formula feed.

(1)

Equine	
Classes	Approximate Age
Foal	Age ranges are not specified
Mare	
Breeding	
Maintenance	

(2) Guaranteed analysis for all animal classes of equine commercial feed must include the following nutrients on the label in the order listed below:

- (a) Minimum percentage of crude protein;
- (b) Minimum percentage of crude fat;
- (c) Maximum percentage of crude fiber;
- (d) Minimum and maximum percentage of calcium;
- (e) Minimum percentage of phosphorus;
- (f) Minimum copper in parts per million (ppm);
- (g) Minimum selenium in parts per million (ppm);
- (h) Minimum zinc in parts per million (ppm);
- (i) Minimum vitamin A, other than the precursors of vitamin A, in International Units per pound (if added).

(3) Guaranteed analysis for all equine commercial mineral feeds must include the following nutrients (if added) on the label in the order listed below:

- (a) Minimum and maximum percentage of calcium;
- (b) Minimum percentage of phosphorus;
- (c) Minimum and maximum percentage of salt (if added);
- (d) Minimum and maximum percentage of sodium must be guaranteed only when the total sodium exceeds that furnished by the maximum salt guarantee;
- (e) Minimum copper in parts per million (ppm);
- (f) Minimum selenium in parts per million (ppm);
- (g) Minimum zinc in parts per million (ppm);
- (h) Minimum vitamin A, other than precursors of vitamin A, in International Units per pound (if added).

NEW SECTION

WAC 16-250-057 Guarantees for all goat and sheep commercial feed except customer-formula feed.

(1)

Goat and Sheep	
Classes	Approximate Age
Starter	Age ranges are not specified
Grower	
Finisher	
Breeder	
Lactating	

(2) Guaranteed analysis for all animal classes of goat and sheep commercial feed must include the following nutrients on the label in the order listed below:

- (a) Minimum percentage of crude protein;
- (b) Maximum percentage of crude protein from nonprotein nitrogen (NPN) when added;
- (c) Minimum percentage of crude fat;
- (d) Maximum percentage of crude fiber;
- (e) Minimum and maximum percentage of calcium;
- (f) Minimum percentage of phosphorus;
- (g) Minimum and maximum percentage of salt (if added);
- (h) Minimum and maximum percentage of total sodium must be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee;
- (i) Minimum and maximum copper in parts per million (ppm) (if added, or if total copper exceeds 20 ppm);
- (j) Minimum selenium in parts per million (ppm);
- (k) Minimum vitamin A, other than precursors of vitamin A, in International Units per pound (if added).

NEW SECTION

WAC 16-250-058 Guarantees for all duck and goose commercial feed except customer-formula feed.

(1)

Ducks	
Classes	Approximate Age
Starter	0 to 3 weeks
Grower	3 to 6 weeks
Finisher	6 weeks to market
Breeder developer	8 to 19 weeks
Breeder	22 weeks to end of lay

Geese	
Classes	Approximate Age
Starter	0 to 4 weeks
Grower	4 to 8 weeks

Geese	
Classes	Approximate Age
Finisher	8 weeks to market
Breeder developer	10 to 22 weeks
Breeder	22 weeks to end of lay

(2) Guaranteed analysis for all animal classes of duck and goose commercial feed must include the following nutrients on the label in the order listed below:

- (a) Minimum percentage of crude protein;
- (b) Minimum percentage of crude fat;
- (c) Maximum percentage of crude fiber;
- (d) Minimum and maximum percentage of calcium;
- (e) Minimum percentage of phosphorus;
- (f) Minimum and maximum percentage of salt (if added);
- (g) Minimum and maximum percentage of total sodium must be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee.

NEW SECTION

WAC 16-250-059 Guarantees for all fish commercial feed except customer-formula feed and specialty pet food.

(1)

Fish	
Class (Species)	Approximate Age
Trout	Age ranges are not specified
Catfish	
Species other than trout or catfish	

(2) Guaranteed analysis for animal species for fish commercial feed must include the following nutrients on the label in the order listed below:

- (a) Minimum percentage of crude protein;
- (b) Minimum percentage of crude fat;
- (c) Maximum percentage of crude fiber;
- (d) Minimum percentage of phosphorus.

NEW SECTION

WAC 16-250-060 Guarantees for all rabbit commercial feed except customer-formula feed.

(1)

Rabbit	
Classes	Approximate Age
Grower	4 to 12 weeks
Breeder	12 weeks of age and over

(2) Guaranteed analysis for all animal classes of rabbit commercial feed must include the following nutrients on the label in the order listed below:

- (a) Minimum percentage of crude protein;
- (b) Minimum percentage of crude fat;
- (c) Minimum and maximum percentage of crude fiber (the maximum crude fiber must not exceed the minimum by more than 5.0 units);
- (d) Minimum and maximum percentage of calcium;
- (e) Minimum percentage of phosphorus;
- (f) Minimum and maximum percentage of salt (if added);
- (g) Minimum and maximum percentage of total sodium must be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee;
- (h) Minimum vitamin A, other than precursors of vitamin A, in International Units per pound (if added).

NEW SECTION

WAC 16-250-063 Guarantees for commercial feeds for animal species not specified in WAC 16-250-052 through 16-250-060 or in chapter 16-252 WAC, except customer-formula feed. Except for the following commercial feeds:

- Customer-formula feed; and
- Feeds exempted by WAC 16-250-051; and
- Feeds for animals covered in WAC 16-250-052 through 16-250-060; and
- Feeds for animals covered in chapter 16-252 WAC.

The guaranteed analysis for all commercial feed must include the following nutrients listed in this section on the label in the order below:

- (1) Minimum percentage of crude protein;
- (2) Maximum or minimum percentage of crude protein from nonprotein nitrogen consistent with requirements in WAC 16-250-075;
- (3) Minimum percentage of crude fat;
- (4) Maximum percentage of crude fiber;
- (5) Minimum and maximum percentages of calcium;
- (6) Minimum percentage of phosphorus;
- (7) Minimum and maximum percentage of salt (if added);

(8) Minimum and maximum percentage of total sodium must be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee;

(9) Other minerals.

Note:

WAC	Animal
16-250-052	Swine
16-250-053	Poultry (broiler, layers, and turkeys)
16-250-054	Beef cattle
16-250-055	Dairy cattle
16-250-056	Equine
16-250-057	Goats and sheep
16-250-058	Ducks and geese
16-250-059	Fish
16-250-060	Rabbits
Chapter 16-252 WAC	Pets and specialty pets

NEW SECTION

WAC 16-250-065 Guarantees for grain mixture commercial feeds, except customer-formula feed. Guaranteed analysis for all commercial grain mixture feeds must include the following nutrients on the label in the order listed below:

- (1) Minimum percentage of crude protein;
- (2) Minimum percentage of crude fat; and
- (3) Maximum percentage of crude fiber.

NEW SECTION

WAC 16-250-067 Guarantees for commercial feed sold primarily for sugar content. Dried molasses products and other products being distributed primarily for their sugar content must be guaranteed for total sugars as invert (a unit of measurement expressed as a percentage).

NEW SECTION

WAC 16-250-068 Guarantees for vitamin/mineral premix and base mix commercial feed. (1) Commercial feeds such as vitamin/mineral premix and base mix that are intended as a specialized nutritional source for use in the manufacture of other feeds, must state their intended purpose and guarantee those nutrients relevant to that purpose.

(2) When approved by the department, guarantees may be made for these special feeds even if there are no approved Association of Official Analytical Chemists (AOAC) methods for determining specific nutritional content of these specialized feeds.

NEW SECTION

WAC 16-250-069 Expression of guarantees--Expressed as is. All guarantees must be expressed on an "as is" basis rather than on a "one hundred percent moisture free" basis.

NEW SECTION

WAC 16-250-070 Expression of guarantees--Sliding-scale method prohibited. The sliding-scale method of expressing guarantees (for example, "protein fifteen to eighteen percent") is prohibited.

NEW SECTION

WAC 16-250-071 Expression of guarantees--Protein, amino acids, fat, and fiber. The guarantees for crude protein, crude protein from nonprotein nitrogen, lysine, methionine, other amino acids, crude fat, crude fiber, and acid detergent fiber must be expressed in percentages.

NEW SECTION

WAC 16-250-072 Expression of guarantees--Minerals. (1)

Mineral guarantees:

(a) When the calcium, salt, and sodium guarantees are given in the guaranteed analysis, they must be stated and conform to the following:

(i) When the minimum is below 2.5%, the maximum must not exceed the minimum by more than 0.5 percentage points.

(ii) When the minimum is 2.5% but less than 5.0%, the maximum must not exceed the minimum by more than one percentage point.

(iii) When the minimum is 5.0% or greater, the maximum must not exceed the minimum by more than 20% of the minimum and in no case may the maximum exceed the minimum by more than five percentage points.

(b) When stated, certain mineral guarantees must be expressed as follows:

Sodium, Salt, Potassium, Magnesium, Sulfur, Phosphorus, Fluorine, Other	
Mineral Guarantee:	Expresses As:
Minimum and maximum total sodium	Percentage (%)
Minimum and maximum salt	Percentage (%)
Minimum potassium	Percentage (%)
Minimum magnesium	Percentage (%)
Minimum sulfur	Percentage (%)
Minimum phosphorus	Percentage (%)
Maximum fluorine	Percentage (%)
Other minimum mineral guarantees	Parts per million (ppm) when the concentration is less than 10,000 ppm
Other minimum mineral guarantees	Percentage when the concentration is 10,000 ppm (1%) or greater

(c) Minerals, except salt, when quantitatively guaranteed, must be stated in terms of percentage of the element.

(d) Products labeled with a quantity statement (for example, tablets, capsules, granules, or liquid) may state mineral guarantees in milligrams (mg) per unit (for example, milligrams per tablet or milligrams per capsule) consistent with the quantity statement and the directions for use.

(2) All mineral phosphatic materials used for feeding purposes must be labeled with the guarantee for:

(a) Minimum and maximum percentage of calcium (when present);

(b) Minimum percentage of phosphorus; and

(c) Maximum percentage of fluorine.

NEW SECTION

WAC 16-250-073 Expression of guarantees--Minimum vitamin content. Guarantees of minimum vitamin content for commercial feeds must be listed in the order shown in the following table. The guarantees must be stated in:

- (1) Milligrams per pound; or
- (2) Per unit consistent with the units on the quantity statement; or
- (3) For the vitamins listed in the following table, the units must be consistent with those in the table:

Vitamins	
Type of Vitamin and Listing Order:	Stated in:
Vitamin A, other than precursors of vitamin A	International Units per pound (IU/lb)
Vitamin D-3 in products offered for poultry feeding	International Chick Units per pound (ICU/lb)
Vitamin D, for other uses	International Units per pound (IU/lb)
Vitamin E	International Units per pound (IU/lb)
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 (g) instead of units per pound (lb)
Vitamin B-12	Milligrams (mg) or micrograms (μ g) per pound (lb)
Menadione, riboflavin, d-pantothenic acid, thiamine, niacin, vitamin B-6, folic acid, choline, biotin, inositol, p-amino benzoic acid, ascorbic acid, and carotene	Milligrams per pound (mg/lb)

NEW SECTION

WAC 16-250-074 Expression of guarantees--Drugs. Guarantees for drugs must be stated in terms of percent by weight **except for the following:**

Drugs	
Antibiotics, present at less than 2,000 grams per ton (total) of commercial feed	Grams per ton of commercial feed (g/ton)
Antibiotics, present at 2,000 or more grams per ton (total) of commercial feed	Grams per pound of commercial feed (g/lb)
Note: The term "milligrams per pound" (mg/lb) may be used for drugs or antibiotics in those cases where a dosage is given in "milligrams" in the feeding directions.	

NEW SECTION

WAC 16-250-075 Expression of guarantees and special requirements--Commercial feeds containing any added nonprotein nitrogen. (1) Commercial feeds containing any added nonprotein nitrogen must be labeled as follows:

(a) For ruminants:

(i) Complete feeds, supplements, and concentrates containing added nonprotein nitrogen and containing more than five percent protein from natural sources must be guaranteed as follows:

Crude protein, minimum,%

(This includes not more than% equivalent crude protein from nonprotein nitrogen.)

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

Equivalent crude protein from nonprotein nitrogen, minimum,%

(iii) Ingredient sources of nonprotein nitrogen such as urea, diammonium phosphate, ammonium polyphosphate solution, ammoniated rice hulls, or other basic nonprotein nitrogen ingredients as defined by the Association of American Feed Control Officials official publication must be guaranteed as follows:

Nitrogen, minimum,%

Equivalent crude protein from nonprotein nitrogen, minimum,%

(b) For nonruminants:

(i) Complete feeds, supplements and concentrates containing crude protein from all forms of added nonprotein nitrogen must 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).

(ii) Premixes, concentrates or supplements intended for

nonruminants containing more than one and one-quarter percent crude protein from all forms of added nonprotein nitrogen must contain adequate directions for use and a prominent statement such as the following:

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

(2) Urea and other nonprotein nitrogen products, as defined in the Association of American Feed Control Officials official publication, are accepted sources of crude protein only in commercial feeds for ruminant animals.

(3)(a) Commercial feed must be labeled with adequate directions for the feed's safe use and a precautionary statement that reads, "CAUTION: USE AS DIRECTED" in the location specified in WAC 16-250-020 or 16-250-035 if it contains more than:

(i) Eight and three-quarters percent crude protein from all forms of added nonprotein nitrogen; or

(ii) One-third of the total crude protein content as added nonprotein nitrogen.

(b) The directions for use and caution statements must be printed in a type size and placed on the label in the location specified in WAC 16-250-020 or 16-250-035 so they can be read and understood by an ordinary person purchasing and using the feed in a customary way.

(4) Commercial feed products containing added nonprotein nitrogen do not require duplicate feeding directions or warning or caution statements on medicated feed labels as long as those directions and/or statements include sufficient information to ensure the safe and effective use of the product.

(5) In commercial feeds distributed to nonruminant animals, nonprotein nitrogen sources defined in the Association of American Feed Control Officials official publication, are acceptable sources of nutrients other than crude protein, as long as the maximum crude protein from all nonprotein nitrogen sources does not exceed one and one-quarter percent of the nonruminant's total daily ration.

NEW SECTION

WAC 16-250-076 Expression of guarantees--Microorganisms and enzymes. Any commercial feed being distributed as a source of microorganisms or enzymes, including silage additives, must be guaranteed as follows:

(1)(a) Guarantees for microorganisms must be stated in colony forming units (CFU) per unit weight or volume, consistent with label directions.

(b) A parenthetical statement following the guarantee must list each species in order of predominance.

(2)(a) Guarantees for enzymes must be stated in units of enzymatic activity per unit weight or volume, consistent with label

directions.

(b) The source organism for each type of enzymatic activity must be specified, for example: Protease (bacillus subtilis) 5.5 mg amino acids liberated/minute/milligram.

(c) If two or more sources have the same type of activity, they must be listed in order of predominance based on the amount of enzymatic activity provided.

NEW SECTION

WAC 16-250-080 Substantiating nutritional suitability of commercial feed except for customer-formula feed. (1) All commercial feeds, except for customer-formula feeds, must be nutritionally suitable for the purpose represented by their labeling.

(2) If the department has reasonable cause to believe a commercial feed is not nutritionally suitable, the department may require that the feed manufacturer either submit an "affidavit of suitability" or a department approved alternative procedure, certifying that the feed is nutritionally adequate for its intended purpose. The affidavit of suitability or alternate procedure substantiates the feed's suitability but does not preclude the department from requiring additional evidence of nutritional suitability.

(3) If an affidavit of suitability, or department approved alternative procedure, is not submitted by the feed manufacturer within thirty days of written notification, the department may declare that the feed's composition or quality is less than or differs from what is represented by its labeling (see RCW 15.53.902(8)) and order the feed removed from the marketplace.

(4) An affidavit of suitability must contain the following information:

(a) The feed licensee's name;
(b) The feed's product name;
(c) The name and title of the affiant submitting the document;
(d) A statement from the affiant that they know the nutritional content of the feed and that the feed, based on valid scientific evidence, is nutritionally adequate for its intended purpose;

(e) The date the affidavit of suitability is submitted to the department; and

(f) The signature of the affiant notarized by a certified notary public.

(5) Example of affidavit:

Affidavit of Suitability

(Company Name)

(Product Name & Code
Number)

1. Affiant is the _____ of _____
(Title) (Name of Company)

and is duly authorized to make and execute this Affidavit
for and on behalf of said company.

2. Affiant has knowledge of the nutritional content of the
above listed feed product and is familiar with the
nutritional requirements for the animal species and
animal class(es) for which the feed product is intended.

3. Affiant has knowledge of valid scientific evidence that
supports the suitability of the product for the intended
animal species and animal class for which this feed is
intended. A copy of the product label is attached to this
affidavit.

(Name of Company)

By

(Name and Title)

Subscribed and sworn to before me

this _____ day of _____, 20____

(Notary Public)

NEW SECTION

**WAC 16-250-090 Feed ingredient statement terms and
recordkeeping requirements.** Feed ingredients listed on the label
or on file at the plant producing the product must comply with the
following:

(1) The name of each ingredient must conform to one of the
following:

(a) Ingredients must have an official definition in the AAFCO
official publication;

(b) If there is no official definition for an ingredient in
the AAFCO official publication, then an ingredient with an AAFCO
tentative definition may be used;

(c) The ingredient is defined in WAC 16-250-015; or

(d) The ingredient has a commonly accepted name that requires
no definition, for example, sugar.

(2) Collective terms for the grouping of feed ingredients must be those defined in the Association of American Feed Control Officials official publication. However, when a collective term for a group of ingredients is used on a label:

(a) Individual ingredients within that group must not be listed on the label; and

(b) When requested the manufacturer must give the department a list of individual ingredients, within a defined group, that are or have been used at manufacturing facilities distributing the commercial feed in Washington state. These records must be available to the department for inspection and copying for at least one year after the last date of distribution of the commercial feed.

(3) Ingredients on labels must be listed in descending order by weight.

(4) The specific amount of each ingredient does not need be listed on the label.

(5) A single ingredient product, as defined by the Association of American Feed Control Officials official publication, does not need an ingredient statement.

(6) The names of all listed ingredients must be shown in the same size of letters and type.

(7) Commercial, copyrighted, brand, or trade names must not be used in the ingredient statement.

(8) No reference to quality or grade of an ingredient may appear in the ingredient statement.

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

(10) When the word "iodized" is used in connection with a feed ingredient, the ingredient must contain at least 0.007% iodine, uniformly distributed.

(11) The term "degermed" must precede the name of any product from which germs were wholly or partially removed.

(12) If a drug is used, the drug does not have to be listed in the ingredient statement. However, the drug name is required to be listed on the label (see WAC 16-250-030 and 16-250-035).

(13) Unless meat and meat by-products are made from cattle, swine, sheep or goats, the terms "meat" and "meat by-products" must specifically identify the animal from which they are derived.

NEW SECTION

WAC 16-250-095 Drug and feed additive requirements. Before the department approves a label for commercial feed that contains additives (including drugs, other special purpose additives, or nonnutritive additives), the distributor may be required to submit evidence satisfactory to the department proving the safety and effectiveness of the commercial feed when used according to the

directions on the label.

Satisfactory evidence of the safety and effectiveness of a commercial feed that contains additives (including drugs, other special purpose additives, or nonnutritive additives) is established if one or more of the following apply:

(1) When the use of a commercial feed containing such additives either:

(a) Conforms to the requirements of the applicable regulation in 21 CFR, 2002 edition; or

(b) Are "prior sanctioned"; or

(c) Are "informal review sanctioned"; or

(d) "Generally recognized as safe" (GRAS) for such use.

(2) When the commercial feed is itself a drug, and

(a) Is generally recognized as safe (GRAS) and effective for the labeled use; or

(b) Is marketed subject to an application approved by the Food and Drug Administration under Title 21 U.S.C. 360 b as amended effective on the date these rules were adopted.

(3) When one purpose for feeding a commercial feed is to immunize through some immunological process and the immunizing drugs or additives have been approved for the purpose through the Federal Virus, Serum and Toxins Act of 1913, as amended in 1985.

(4) When the commercial feed is a directly fed microbial product and the:

(a) Product meets the particular fermentation product definition as defined in the Association of American Feed Control Officials official publication; and

(b) Required microbial content statement in the label is limited to the following: "Contains a source of live (viable) naturally occurring microorganisms"; and

(c) Source is stated with a corresponding guarantee expressed according to WAC 16-250-076 requirements.

(5) When the commercial feed is an enzyme product and the:

(a) Product meets the particular enzyme definition in the Association of American Feed Control Officials official publication; and

(b) Enzyme is stated with a corresponding guarantee expressed according to WAC 16-250-076 requirements.

NEW SECTION

WAC 16-250-100 Directions for use and precautionary statement requirements. (1) Directions for use and precautionary statements on the required labeling of all commercial feeds containing additives, (including, but not limited to, prohibited mammalian protein, drugs, nonprotein nitrogen, special purpose additives, or nonnutritive additives) must:

(a) Be adequate to enable users with no special knowledge of

the purpose and use of the feed to use it safely and effectively for its intended purposes; and

(b) Include all information described by all applicable regulations of 21 CFR, Parts 500-599 under the Federal Food, Drug and Cosmetic Act, 2002 edition.

Note: The Food and Drug Administration's regulations are published in the Code of Federal Regulations, and are available in book format from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. They are also available on the Internet at <http://www.access.gpo.gov/nara/cfr/cfr-retrieve.html#page1>. A copy of the 2002 edition, Parts 500-599 is also on file with the department.

(2) Feeds containing nonprotein nitrogen must have adequate directions for use and precautionary statements as specified in WAC 16-250-075.

(3) Adequate directions for use and precautionary statements identified in subsection (1) of this section are required for commercial feeds that are distributed to:

(a) Supply particular dietary needs; or

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

NEW SECTION

WAC 16-250-110 Screenings. (1) When screenings are added to unmixed by-product feed, the label must include the term "screenings":

(a) In the same size of type as the brand name; and

(b) Either as part of or immediately below the brand name.

(2) Screenings must:

(a) Not contain any seed, pesticide, or other product that renders it adulterated within the meaning of RCW 15.53.902; and

(b) Be ground fine enough or otherwise treated to destroy the viability of the noxious weed seeds contained in the screening so that the finished product contains no more than one viable prohibited noxious weed seed per pound and not more than twenty-five viable restricted noxious weed seeds per pound.

(3) For purposes of this commercial feed rule, prohibited noxious weed seeds are those listed in WAC 16-301-045 (Prohibited noxious weed seeds) and restricted noxious weed seeds are those listed in WAC 16-301-050 (Restricted noxious weed seeds).

NEW SECTION

WAC 16-250-120 Adulteration of feed. (1) The terms "poisonous or deleterious substances" as used in RCW 15.53.902 include, but are not limited to, the following:

(a) A commercial feed or feed ingredient that contains more

than twenty parts per billion aflatoxin B1, B2, G1, G2, individually or in total.

(b) Fluorine and any mineral or mineral mixture that is used directly to feed domestic animals and in which the fluorine exceeds:

Maximum Allowed Percentage of Fluorine in Minerals	Type of Animal
0.20%	Breeding and dairy cattle
0.30%	Slaughter cattle
0.30%	Sheep
0.35%	Lambs
0.45%	Swine
0.60%	Poultry

(c) 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:

Maximum Allowed Percentage of Fluorine in Ration Excluding Roughage	Type of Animal
0.004%	Breeding and dairy cattle
0.009%	Slaughter cattle
0.006%	Sheep
0.01%	Lambs
0.015%	Swine
0.03%	Poultry

(d) 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 result in a daily fluorine intake in excess of 50 milligrams of fluorine per 100 pounds of body weight.

(e) Soybean meal, flakes or pellets or other vegetable meals, flakes or pellets that have been extracted with trichlorethylene or other chlorinated solvents.

(f) Sulfur dioxide, sulfurous acid, and salts of sulfurous acid when used in or on feeds or feed ingredients that are considered or reported to be a significant source of vitamin B1 (thiamine).

(g) Any substance that is prohibited by 21 CFR, Part 589, 2002 edition.

(2) When screenings are used in a commercial feed, the labeling and screenings must comply with the requirements in WAC 16-250-110 or the commercial feed will be considered adulterated.

(3) Feed containing raw or unprocessed animal waste will be considered adulterated.

NEW SECTION

WAC 16-250-140 Use of artificial coloring. (1) Artificial coloring may be used in feeds if it is harmless to animals.

(2) Feed or feed ingredients must not contain materials that enhance the natural color of a feed if it conceals inferiorities.

NEW SECTION

WAC 16-250-150 Reusing bags, totes, and containers. Bags, totes, or nonporous containers of similar capacity used for commercial feeds (including customer-formula feed) must not be reused unless appropriately cleaned. A firm that intends to reuse bags, totes, or containers must document their clean-out procedures.

Note: "Appropriate cleaning procedures" are procedures that prevent cross contamination of products that would create a safety concern. Examples of safety concerns include:

- (a) Medicated products contaminating nonmedicated products;
- (b) Prohibited mammalian protein contaminating ruminant feed; and
- (c) Feed containing minerals, or other additives, intended for one species contaminating feed intended for another species that is more sensitive to a mineral or other additive.

NEW SECTION

WAC 16-250-155 Tonnage fee requirements. Each initial distributor of commercial feed in or into Washington state must pay the department an inspection fee of nine cents per ton on all commercial feed they sold during the year. The minimum inspection fee, the late penalty fee, and exceptions to payment of the fee are as authorized in RCW 15.53.9018.

NEW SECTION

WAC 16-250-160 Commercial feed license application requirements. (1) The commercial feed license application form, to be completed by applicants and licensees, must include:

- (a) The name and business address of the applicant; and
- (b) Information regarding the types of business the firm is engaged in (feed manufacturer, dealer, broker); and
- (c) The type of commercial feed distributed (medicated feed, complete feed, feed supplement, or animal by-products).

(2) A commercial feed license is not required for facilities that only:

(a) Sell food processing by-products from fruit, vegetable, or potato processing plants, freezing or dehydrating facilities, or juice or jelly preserving plants;

(b) Sell bona fide experimental feed on which accurate records and experimental programs are maintained;

(c) Makes retail sales of bagged, or packaged commercial feed bearing labeling or other approved indicators showing that the commercial feed is from a licensed manufacturer, guarantor, or distributor who has assumed full responsibility for the required tonnage inspection fees.

Note: The commercial feed license application form is available from the department. This form may also be downloaded from the Internet at <http://www.wa.gov/agr/FoodAnimal/AnimalFeed/Forms/Form4273.pdf>

NEW SECTION

WAC 16-250-170 Commercial feed label submission requirements.

License applicants and licensees must submit copies of their commercial feed labels and labeling to the department when requested for reasonable cause.

NEW SECTION

WAC 16-250-180 Good manufacturing practices adopted.

The following good manufacturing practices are adopted:

(1) Regulations prescribing current good manufacturing practices for Type B and Type C medicated feeds as published in 21 CFR, Part 225, Sections 225.1 - 225.202, 2002 edition.

(2) Regulations prescribing good manufacturing practices for Type A Medicated Articles as published in 21 CFR, Part 226, Sections 226.1 - 226.115, 2002 edition.

(3) Regulations pertaining to animal proteins prohibited in ruminant feed as published in 21 CFR, Part 589.2000, 2002 edition, even if interstate commerce is not involved.