



RULE-MAKING ORDER

CR-103 (June 2004) (Implements RCW 34.05.360)

Agency: Washington State Department of Agriculture

- Permanent Rule
 Emergency Rule

Effective date of rule:

Permanent Rules

- 31 days after filing.
 Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: These adopted amendments are necessary to ensure that chapter 16-250 WAC (Commercial Feed Rules) is consistent with current commercial feed law requirements (chapter 15.53 RCW Commercial Feed). Also, they are necessary to ensure that the references in chapter 16-250 WAC are correct so users of the chapter will find it easier to follow and comply with its requirements.

Citation of existing rules affected by this order:

Repealed: 16-250-001
 Amended: 16-250-007, 16-250-010, 16-250-035, 16-250-050, 16-250-090, 16-250-095, 16-250-100, 16-250-120, 16-250-155, 16-250-160, 16-250-180

Statutory authority for adoption: RCW 15.53 and RCW 34.05

Other authority :

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 05-14-149 on July 6, 2005 (date).
 Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
 Address: _____ fax () _____
 e-mail _____

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- 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.
 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:

Date adopted: September 7, 2005

NAME (TYPE OR PRINT)

Valoria Loveland

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

SEP 7 2005

TIME 1053 (AM) (PM)
 WSR 05-18-094

(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	2	Repealed	0

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

New	0	Amended	0	Repealed	0
-----	---	---------	---	----------	---

The number of sections adopted in the agency's own initiative:

New	1	Amended	8	Repealed	1
-----	---	---------	---	----------	---

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	1	Amended	10	Repealed	1
-----	---	---------	----	----------	---

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	1	Amended	10	Repealed	1

**Washington State Department of Agriculture
CR-103 Form-Attachment
Clarifying Details of the "Purpose" Statement:**

The following table identifies and explains the specific changes to chapter 16-250 WAC (Commercial Feed Rules) adopted by the Washington State Department of Agriculture with this filing. As the table illustrates, the changes are necessary to ensure that chapter 16-250 WAC:

- Is consistent with recent changes in Washington state commercial feed law (chapter 15.53 RCW Commercial Feed) requirements adopted by the legislature;
- Contains correct references;
- Is free of redundant references; and
- States requirements clearly so compliance is easier.

Rule Section	Adopted Change	Rationale
WAC 16-250-001 Effective date	Repealed	Repealed because stating the effective date of the original rule is no longer necessary.
WAC 16-250-007 The code of federal regulations	New	Added a new section stating that all references to the code of federal regulations refers to the 2002 edition. This allows the department to delete several references to "2002 edition" throughout the rule.
WAC 16-250-010 Commercial feed terms and definitions	Amended	Numbered the definitions for quick reference.
WAC 16-250-035 Format required for all commercial labels except customer formula feed	Amended	Updated internet reference in subsection (3).
WAC 16-250-050 Guarantee requirements that apply to WAC 16-250-052 through 16-250-065	Amended	Added WAC reference to "Note" for clarity.
WAC 16-250-090 Feed ingredient statement terms and recordkeeping requirements	AMENDED?	I don't see that we did any thing to this section. If we didn't do any thing then it should not be included on the CR-103. If we proposed something on the CR-105 and then changed our mind, we should not include it on the CR-103 and send a memo to the Code Reviser formally withdrawing the proposed changes on the CR-105.
WAC 16-250-095 Drug and feed additive requirements	Amended	<ul style="list-style-type: none"> • Deleted the "2002 edition" reference in subsection (1)(a) because it is redundant with the addition of new section WAC 16-250-007. • Added "21 U.S. C. 151 et seq." to subsection (3) for clarity.
WAC 16-250-100 Directions for use and precautionary statement requirements	Amended	<ul style="list-style-type: none"> • Corrects a grammatical error in subsection (1)(a). • Deleted the "2002 edition"

		<p>reference in subsection (1)(b) because it is redundant with the addition of new section WAC 16-250-007.</p> <ul style="list-style-type: none"> • Updated internet reference in subsection (1)(b) note. • Replaced "2002 edition" with "21 CFR" in subsection (1)(b) note for clarity.
WAC 16-250-120 Adulteration of feed	Amended	<ul style="list-style-type: none"> • Corrects a spelling error in subsection (1)(e). • Deleted the "2002 edition" reference in subsection (1)(g) because it is redundant with the addition of new section WAC 16-250-007.
WAC 16-250-155 Tonnage fee requirements	Amended	Deletes the word "penalty" to make the section consistent with RCW 15.53.9018.
WAC 16-250-160 Commercial feed license application requirements	Amended	<ul style="list-style-type: none"> • Added language to subsection (1) to make the section consistent with chapter 15.53 RCW. • Updated internet reference in subsection (2) note.
WAC 16-250-180 Good manufacturing practices adopted	Amended	Deleted all references to "2002 edition" because they are redundant with the addition of new section WAC 16-250-007.

NEW SECTION

WAC 16-250-007 The code of federal regulation. Throughout these rules where the code of federal regulation is referred to, the reference is to the 2002 edition.

AMENDATORY SECTION (Amending WSR 03-23-128, filed 11/19/03, effective 7/1/04)

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.

(1) **"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.

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

(3) **"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.

(4) **"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.

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

(6) **"Director"** means the director of the Washington state department of agriculture or the director's designee.

(7) **"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.

(8) **"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.

(9) **"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.

(10) **"Distributor"** means a person who distributes.

(11) **"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.

(12) **"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.

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

(14) **"Feed ingredient"** means each of the constituent materials making up a commercial feed.

(15) **"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.

(16) **"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.

(17) **"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.

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

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

(20) **"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.

(21) **"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.

(22) **"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.

(23) **"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).)

(24) **"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.

(25) **"Nutritionally suitable"** means nutritionally adequate.

(26) **"Person"** means an individual, firm, partnership, corporation, or association.

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

(28) **"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.

(29) **"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.

(30) **"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.

(31) **"Quantity statement"** means the part of the label

expressing net weight (mass), net volume (liquid or dry) or count.

(32) **"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.

(33) **"Salvage pet food"** means pet food (dog and cat 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 pet food, pet food fines, and other products not suitable for packaging for retail sale.

(34) **"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.

(35) **"Sell"** or **"sale"** includes exchange.

(36) **"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.

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

(38) **"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.

AMENDATORY SECTION (Amending WSR 03-23-128, filed 11/19/03, effective 7/1/04)

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) <http://www.gpoaccess.gov/cfr/retrieve.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.

AMENDATORY SECTION (Amending WSR 03-23-128, filed 11/19/03, effective 7/1/04)

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. See WAC 16-250-010(16).

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.

AMENDATORY SECTION (Amending WSR 03-23-128, filed 11/19/03, effective 7/1/04)

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 to 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.

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 (21 U.S.C. 151 et seq.).

(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.

AMENDATORY SECTION (Amending WSR 03-23-128, filed 11/19/03, effective 7/1/04)

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 ~~((it's))~~ 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)~~) <http://www.gpoaccess.gov/cfr/retrieve.html>. A copy of (~~(the 2002 edition)~~) 21 CFR 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.

AMENDATORY SECTION (Amending WSR 03-23-128, filed 11/19/03, effective 7/1/04)

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

Maximum Allowed Percentage of Fluorine in Minerals	Type of Animal
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 ((trichloroethylene)) trichloroethylene 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.

AMENDATORY SECTION (Amending WSR 04-14-076, filed 7/6/04, effective 1/1/05)

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 twelve 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.

AMENDATORY SECTION (Amending WSR 03-23-128, filed 11/19/03, effective 7/1/04)

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 company name and ((business)) mailing address of the applicant; ((and))

(b) The physical address of the facility;

(c) The name, contact information, and signature of the applicant;

(d) Information regarding the types of business the firm is engaged in (feed manufacturer, dealer, broker); and

((c)) (e) 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>)) <http://agr.wa.gov/FoodAnimal/AnimalFeed/Forms.htm>.

AMENDATORY SECTION (Amending WSR 03-23-128, filed 11/19/03, effective 7/1/04)

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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-250-001

Effective date.