



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Department of Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of adoption: August 13, 1999

(2) Purpose: To revise current rules to update references to the Code of Federal Regulations and the Association of American Feed Control Officials (AAFCO) publications dated 1998.

(3) Citation of existing rules affected by this order: WAC 16-200, Feeds and Fertilizers

Repealed:

Amended: 16-200-750, 755, 760, 790, 795, 815, and 830

Suspended:

(4) Statutory authority for adoption: RCW 15.53.9012

Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 99-13-164 on June 22, 1999 (date).

Describe any changes other than editing from proposed to adopted version:

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:

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date)

(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
or Expedited Repeal

- 31 days after filing
- Other (specify) _____*

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)

Jim Jesernig

Signature

Title
Director

Date
August 13, 1999

CODE REVISER USE ONLY

CLERK TO GOVERNOR'S OFFICE
STATE OF WASHINGTON
6-23

AUG 13 1999

8:05

99-17-043

AM
PM

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Federal statute:	New	Amended	Repealed
Federal rules or standards:	New	Amended	Repealed
Recently enacted state statutes:	New	Amended	Repealed

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

New	Amended	Repealed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

New	Amended	<u>7</u>	Repealed
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	Amended	Repealed
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The number of sections adopted using:

Negotiated rule making:	New	Amended	Repealed
Pilot rule making:	New	Amended	Repealed
Other alternative rule making:	New	Amended	Repealed

AMENDATORY SECTION (Amending Order 5098, filed 7/9/96, effective 8/9/96)

WAC 16-200-750 Definitions and terms. (1) The names and definitions for commercial feeds shall be the Official Definition of Feed Ingredients adopted by the Association of American Feed Control Officials (AAFCO), as they appear in the ((1996)) 1998 official publication of the association, except as the department designates otherwise in specific cases.

Note: A copy of the ((1996)) 1998 official publication of the association of American Feed Control Officials is on file with the department. Copies may be obtained from AAFCO Treasurer; Georgia Department of Agriculture; Plant Food, Feed and Grain Division; Capitol Square; Atlanta, GA 30334.

(2) The terms used in reference to commercial feeds shall be the Official Feed Terms adopted by the AAFCO, as they appear in the ((1996)) 1998 official publication of the association, except as the department designates otherwise in specific cases.

(3) The following commodities are hereby declared exempt from the definition of commercial feed, under the provisions of RCW 15.53.901(2): Raw meat, loose salt, hay, straw, stover, silages, cobs, husks, and hulls when unground and when not mixed or intermixed with other materials: Provided, That these commodities are not adulterated within the meaning of RCW 15.53.902.

(4) The term "quantity statement" means the net weight (mass) as defined in RCW 19.94.010 (1)(i), net volume (liquid or dry) or count.

(5) The following definitions, in addition to the official definitions adopted by AAFCO, as published in the ((1996)) 1998 edition, are adopted:

(a) Pea meal is a pea product resulting from the grinding of whole peas which are reasonably free of other crop seeds, weeds, and mold. It shall contain not less than twenty percent crude protein and not more than eight percent crude fiber.

(b) Pea by-products meal is a product containing light and broken peas, and offal from pea cleaning, which includes chips, pea powder, pea hulls, and screenings. It shall contain not less than fifteen percent crude protein nor more than thirty percent crude fiber.

(c) Pea screenings meal consists primarily of the various separates obtained from the screening and cleaning of peas. It shall contain not less than ten percent crude protein nor more than thirty-eight percent crude fiber.

(d) Pea bran consists primarily of the various separates obtained from the pea splitting operation. It shall contain not less than ten percent crude protein nor more than thirty-eight percent crude fiber.

(e) Grass seed by-products meal or pellets is a ground product consisting of light and broken seeds, hulls, chaff, straw, and a

portion of the weed seeds; excluding sand, dirt, and heavy weed seeds.

(f) Grass seed screenings meal or pellets is the product obtained from the cleaning of various grass seed and shall be comprised chiefly of hulls.

(g) Dehydrated grass meal is the aerial portion of the plant cut prior to formation of seed reasonably free of other crop plants, weeds, and mold, which has been finely ground and dried by thermal (artificial) means. If a species name is used, the product must correspond thereto.

(h) Facility is defined as any place where a commercial feed is manufactured, sold or stored for later distribution.

AMENDATORY SECTION (Amending Order 5098, filed 7/9/96, effective 8/9/96)

WAC 16-200-755 Label format. (1) Except as provided for in subsection (2) of this section, commercial feed, other than customer-formula feed, shall be labeled with the information prescribed in this section on the principal display panel of the product and in the following general format:

(a) Product name and brand name if any;

(b) If a drug is used, the label shall include:

(i) The word "medicated" directly following and below the product name in type size, no smaller than one-half the type size of the product name;

(ii) The purpose of the medication (claim statement);

(iii) An active drug ingredient statement listing the active drug ingredients by their established name and the amounts in accordance with WAC 16-200-770(5);

(c) Directions for use and precautionary statements or reference to their location if the detailed feeding directions and precautionary statements required by WAC 16-200-795 and 16-200-830 appear elsewhere on the label;

(d) The guaranteed analysis of the feed required under the provisions of RCW 15.53.9016 (1)(b). This shall include the following items, unless exempted in subsection (2) of this section, in the order listed:

(i) Minimum percentage of crude protein;

(ii) Maximum or minimum percentage of equivalent protein from nonprotein nitrogen as required in WAC 16-200-770(8);

(iii) Minimum percentage of crude fat;

(iv) Maximum percentage of crude fiber;

(v) Moisture guarantees shall be shown as a part of the guaranteed analysis on the labels of all canned pet foods and specialty pet foods. When water is added in the preparation of canned foods for animals, water must be listed as an ingredient;

(vi) For mineral feeds the guaranteed analysis shall include

the following, if added:

- (A) Minimum and maximum percentages of calcium (Ca);
- (B) Minimum percentage of phosphorus (P);
- (C) Minimum and maximum percentages of salt (NaCl); and
- (D) Other minerals;
- (vii) Vitamins in such terms as specified in WAC 16-200-770(4);
- (viii) Total sugars as invert on dried molasses products or products being sold primarily for their sugar content;
- (ix) Viable lactic acid producing microorganisms for use in silages in terms specified in WAC 16-200-770(10);
- (e) Feed ingredients, collective terms for the grouping of feed ingredients, or appropriate statements as provided under the provisions of RCW 15.53.9016 (1)(c):
 - (i) The name of each ingredient as defined in the ((1996)) 1998 Official Publication of the Association of American Feed Control Officials, common or usual name, or one approved by the department;
 - (ii) Collective terms for the grouping of feed ingredients as defined in the Official Definitions of Feed Ingredients published in the ((1996)) 1998 Official Publication of the Association of American Feed Control Officials in lieu of the individual ingredients: Provided, That:
 - (A) When a collective term of a group of ingredients is used on the label, individual ingredients within that group shall not be listed on the label;
 - (B) The manufacturer shall provide the feed control official, upon request, with a list of individual ingredients, within a defined group, that are or have been used at manufacturing facilities distributing in or into the state;
 - (f) Name and principal mailing address of the manufacturer or person responsible for distributing the feed. The principal mailing address shall include the street address, city, state, and zip code; however the street address may be omitted if it is shown in the current city directory or telephone directory;
 - (g) Quantity statement.
 - (2) Exemptions.
 - (a) A mineral guarantee is not required when the feed or feed ingredient is not intended, or represented or does not serve as a principal source of that mineral to the animal.
 - (b) Guarantees for vitamins are not required when the commercial feed is neither formulated for, nor represented in any manner as a vitamin supplement.
 - (c) Guarantees for crude protein, crude fat, and crude fiber are not required when the commercial feed is intended for purposes other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, such as drug premixes, mineral or vitamin supplements, and molasses.
 - (d) Guarantees for microorganisms are not required when the commercial feed is intended for a purpose other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, and no specific label claims are made.

(3) The information required by subsection (1)(a) and (b) and (d) through (g) of this section must appear in its entirety on one side of the label or container.

(4) The information required by subsection (1)(c) of this section shall be displayed in a prominent place on the label or container but not necessarily on the same side as the above information. When the information required by subsection (1)(c) of this section is placed on a different side of the label or container, it must be referenced on the front side with a statement such as "see back of label for directions for use." None of the information required by RCW 15.53.9016 shall be subordinated or obscured by other statements or designs.

(5) No printed or written matter or design (e.g., picture of animal or bird) of any kind shall be attached to, appear on, or be distributed with feed if such matter is misleading or incorrect, or at variance in any respect with the information on the principal label. Labeling which suggests that presence of added enzyme-bearing materials improves utilization of a commercial feed is prohibited.

(6) No statement may appear on a label which refers to or compares properties of the package contents to some other competitive products unless such other competitive product is specifically identified. A negative statement is not allowed on a label except when this provides information deemed by the director to be beneficial to the purchaser.

(7) Customer-formula feed shall be labeled with the information prescribed using labels, invoice, delivery ticket, or other shipping document bearing the following information:

- (a) The name and address of the manufacturer;
- (b) The name and address of the purchaser;
- (c) The date of delivery;
- (d) The product name and the quantity statement;
- (e) The product name and quantity statement 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 must be kept on file for one year after the date of the last sale. This information shall be available to the purchaser, the dealer making the sale, and the department on request;

(f) The direction for use and precautionary statements as required by WAC 16-200-795 and 16-200-830;

- (g) If a drug is used, the labeling shall include:
 - (i) The purpose of the medication (claim statement);
 - (ii) The established name of each active drug ingredient and the level of each drug used in the final mixture expressed in accordance with WAC 16-200-770(5).

(8) When bulk commercial feeds are sacked and offered for sale, each container shall be accompanied by a label in accordance with the provisions of RCW 15.53.9016(1).

(9) All bulk deliveries of commercial feed shall be accompanied by a label or a shipping document in accordance with the provisions of RCW 15.53.9016(1).

WAC 16-200-760 Brand and product names. (1) The brand or product name must be appropriate for the intended use of the feed and not be misleading. If the name indicates the feed is made for a specific use, the character of the feed must conform therewith. A mixture labeled "dairy feed," for example, must be suitable for that purpose.

(2) When not specifically stated in chapter 15.53 RCW or otherwise designated by the department, the department will be guided by the definitions of feed ingredients and feed terms as established in the ((1996)) 1998 official publication of the Association of American Feed Control Officials in accepting product names for single ingredient feeds.

(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.

(4) The word vitamin, or a contraction thereof, or any word suggesting vitamin, can be used only in the name of a feed which is represented to be a vitamin supplement, and which is labeled with the minimum content of each vitamin declared, as specified in WAC 16-200-770(4).

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

(6) When the brand name carries a percentage value, it shall be understood to signify protein and/or protein equivalent content. If any other percentage values are used in brand names, they must be followed by the proper description.

(7) Commercial feed shall be considered as a distinct brand when differing either in guaranteed analysis, trademark name, or any other characteristic method of marking: Provided, That a brand may be sold in various physical forms.

(8) The word "protein" shall not be permitted in the brand name of a feed that contains added nonprotein nitrogen.

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

AMENDATORY SECTION (Amending Order 5098, filed 7/9/96, effective 8/9/96)

WAC 16-200-790 Ingredient statement. (1) As provided in WAC 16-200-755 (1)(e), the name of each ingredient or collective term for the grouping of ingredients, when required to be listed, shall be the name defined in the Official Definitions of Feed Ingredients as published in the ((1996)) 1998 Official Publication of the Association of American Feed Control Officials, the common or usual name, or one approved by the department.

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

(3) No reference to quality or grade of an ingredient shall appear in the ingredient statement of a feed.

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

(5) A single ingredient product defined by the Association of American Feed Control Officials, as published in the ((1996)) 1998 official publication of Association of American Feed Control Officials, is not required to have an ingredient statement.

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

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

(8) The term "degermed" must precede the name of any product from which the germ was wholly or partially removed.

(9) The use of commercial, copyrighted brand, or trade names in the guarantees and ingredient listing shall not be permitted.

AMENDATORY SECTION (Amending Order 5098, filed 7/9/96, effective 8/9/96)

WAC 16-200-795 Directions for use and precautionary statements. (1) Directions for use and precautionary statements on the labeling of all commercial feeds and customer-formula feeds containing additives (including drugs, special purpose additives, or nonnutritive additives) shall:

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

(b) Include, but not be limited to, all information described by all applicable regulations of the Code of Federal Regulations, Title 21, parts 500-599 under the Federal Food, Drug and Cosmetic Act as provided in the (~~1995~~) 1998 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. A copy of the (~~1995~~) 1998 edition, Parts 200-599 is on file with the department.

(2) Adequate directions for use and precautionary statements as identified in subsection (1) of this section are required for feeds containing nonprotein nitrogen as specified in WAC 16-200-830.

(3) Adequate directions for use and precautionary statements necessary for safe and effective use as identified in subsection (1) of this section are required on commercial feeds distributed to supply particular dietary needs or for supplementing or fortifying the usual diet or ration with any vitamin, mineral, or other dietary nutrient or compound.

AMENDATORY SECTION (Amending Order 5098, filed 7/9/96, effective 8/9/96)

WAC 16-200-815 Adulteration. (1) Pursuant to RCW 15.53.902, the terms "poisonous or deleterious substances" include but are not limited to the following:

(a) A commercial feed or feed ingredient which contains more than twenty parts per billion aflatoxin B1, B2, G1, G2, individually or total;

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

(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: 0.004% for breeding and dairy cattle; 0.009% for slaughter cattle; 0.006% for sheep; 0.01% for lambs; 0.015% for swine and 0.03% for poultry;

(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 results 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 which 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 which are considered or reported to be a significant source of vitamin B1

(Thiamine);

(g) Any substance which is prohibited by the Code of Federal Regulations, Title 21, Part 589, effective April 1, 1998.

(2) All screenings or by-products of grains and seeds containing weed seeds, when used in commercial feed or sold as such to the ultimate consumer, shall be ground fine enough or otherwise treated to destroy the viability of such weed seeds so that the finished product contains no more than one viable prohibited (primary) noxious weed seeds per pound and not more than twenty-five viable restricted (secondary) noxious weed seeds per pound.

AMENDATORY SECTION (Amending Order 5098, filed 7/9/96, effective 8/9/96)

WAC 16-200-830 Nonprotein nitrogen. (1) Urea and other nonprotein nitrogen products defined in the ((1996)) 1998 official publication of the Association of American Feed Control Officials are accepted ingredients only in commercial feeds for ruminant animals as a source of equivalent crude protein.

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

(3) The presence of added nonprotein nitrogen shall not require a duplication of the feeding directions or the warning or caution statements on medicated feed labels which contain adequate feeding directions and/or warning statements as long as those statements include sufficient information to insure the safe and effective use of this product due to the presence of nonprotein nitrogen.

(4) Nonprotein nitrogen defined in the ((1996)) 1998 Official Publication of the Association of American Feed Control Officials, when so indicated, are acceptable ingredients in commercial feeds distributed to nonruminant animals as a source of nutrients other than equivalent crude protein. The maximum equivalent crude protein from nonprotein nitrogen sources when used in nonruminant rations shall not exceed 1.25% of the total daily ration.