

DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION NOTICE OF PROPOSED GUIDANCE DOCUMENTS

Pursuant to section 227.112 of the Wisconsin Statutes, the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) is hereby accepting comments on the proposed guidance document:

Brewery and Distillery Letter and Labeling Guidance

LOCATION OF PROPOSED GUIDANCE

Proposed guidance document may be reviewed by accessing:

https://datcp.wi.gov/Pages/About_Us/GuidanceDocuments.aspx

SUBMITTING PUBLIC COMMENTS

Public comments on proposed or adopted guidance document may be submitted by accessing:

https://datcp.wi.gov/Pages/About_Us/GuidanceDocuments.aspx

DEADLINE FOR SUBMISSION

The comment period will run no fewer than 21 days after the publication of this document in the Administrative Register.

AGENCY PUBLICATION

The attached guidance document contains statements or interpretations of law under the following applicable provisions of federal law or the applicable state statutory or administrative code provisions: Wis. Stat. ch. 94.72, Wis. Admin. Code, ch. ATCP 42.

CERTIFICATION

Pursuant to the authority delegated to me by the Secretary, I have reviewed the attached guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.



Sara Walling
Administrator

Division of Agricultural Resource Management



Wisconsin Department of Agriculture, Trade and Consumer Protection

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GUIDANCE DOCUMENT

Brewery and Distillery Letter and Labeling Guidance

This guidance document is based on Wis. Stat. ch. 94.72 and chapter(s) ATCP 42 Wis. Admin. Code. This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed.

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Template letter for breweries and distilleries in Wisconsin. Letter advises firms that to distribute spent grains for animal feed, a license is required. Letter also discusses the tonnage/inspection fee requirements and the labeling requirements, with some examples.

Sara Walling - Administrator, Division of Agricultural Resource Management

9/30/19
Click or tap to enter a date.

DATE

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State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection
Bradley M. Pfaff, Secretary

TO: Wisconsin breweries and distilleries

FROM: Commercial Feed Program, Bureau of Agrichemical Management

SUBJECT: Distributing byproducts for animal feed

Background

The use of human food byproducts as animal feed has been commonplace for centuries. When done responsibly and in compliance with state and federal law, feeding human food byproducts to animals has economic and environmental benefits, and our Department wants to encourage this beneficial reuse activity.

Wisconsin's feed program works to ensure that commercial feeds as well as feed ingredients will not pose a risk to the human food chain - whether those ingredients were manufactured strictly for animal use, or ended up for animal use because they could no longer be used in human food.

Your facility likely generates byproducts that the feed industry has established as safe and utilizable for animal consumption. Wisconsin's animal producers often welcome such ingredients into their animals' diets. Ingredients commonly distributed from the alcohol industry to animal feed include but are not limited to brewers wet (or dried) grains, malt sprouts, malt cleanings, malt hulls, dried spent hops, brewers condensed solubles, and brewers [liquid or dried] yeast.

If any of the above sound like something your facility does or could distribute for animal feed, the Department would like to work with you to become licensed to legally distribute your byproduct as feed. The following highlights are items to keep in mind if you are considering distributing human food by-products, like spent grains, as animal feed.

Licensing

The first step to distributing your facility's byproducts as animal feed is to apply for a commercial feed license. The license application is available on the Department website (<https://datcp.wi.gov>, search for "Commercial Feed License"). Commercial feed licenses are valid from March 1 through the end of February (28 or 29) each year, for a fee of \$25/year. Annual renewals are mailed out near the end of January.

Tonnage Reporting

Annually, every Wisconsin feed licensee files a commercial feed tonnage and inspection fee report. Fees are either \$50.00 or \$0.25 per ton of feed distributed in Wisconsin, whichever is greater. A licensee is required to report the quantity of commercial feeds and feed ingredients, in tons, that it is the first to distribute within, or from out of state into, Wisconsin.

Feed and Feed Ingredient Labels

Feed ingredients must have a label describing what it is. Typically, human food by-products for animal feed, such as spent grains, are single feed ingredients. In Wisconsin, single feed ingredient labels are simple. A feed ingredient label for a brewery or distillery by-product will contain:

- a product/brand name - which can be the same as the defined ingredient name,
- a guaranteed analysis - it is likely that your in-house laboratory can perform the simple analysis needed for brewery/distillery byproduct animal feed labels,

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- an ingredient statement – only required if a technical additive is included, such as a preservative or anti-caking agent, or if the ingredient is given a brand/product name different from the defined ingredient name,
- the manufacturer’s name, street address (optional), city, state and zip code, and
- the net quantity, in both metric and imperial units, distributed in a batch/container/package sold.

Single ingredient feed labels for by-products mentioned earlier might look like one of the examples below.

BREWERS DRIED GRAINS
For further manufacture of animal feed

Guaranteed Analysis
Crude protein.....min, ___%
Crude fat.....min, ___%
Crude fiber.....max, ___%
Moisture.....max, ___%

Contains no more than 3% pulverized, dried spent hops in mixture with [cereal grain] from the manufacture of beer.

Manufactured by: Company Name, Anytown, WI 55555

Net quantity: ___ lb. (___ kg)

BARLEY MALT SPROUTS
For further manufacture of animal feed

Guaranteed Analysis
Crude protein.....min, 24%
Crude fat.....min, ___%
Crude fiber.....max, ___%

Manufactured by: Company Name, Anytown, WI 55555

Net quantity: ___ lb. (___ kg)

Inspections

The Feed Program strives to establish and maintain consumer and manufacturer confidence in animal feeds – livestock feed, pet food, and feed ingredients – through occasional inspections. Inspection points include:

- Confirmation of feed manufacturer, labeler and distributor licensure;
- Review of feed ingredient label(s) and labeling content; and
- A brief walk-through of your facility to identify good housekeeping practices in and around buildings of manufacture and storage. Human food facility housekeeping practices almost always exceed the housekeeping practices expected of animal food facilities, and therefore, this part of the inspection is a quick walk-through.

The specific requirements for commercial feed manufacture, labeling and distribution are found in Wisconsin Statute §94.72 and Wisconsin Administrative Code chapter ATCP 42.

Contact

If you are already, or are interested in, providing your facility byproducts for animal feed, please feel free to proceed with completing the enclosed New Commercial Feed License Application. Alternatively, please touch base with the feed program staff using the contact information below if you have questions.

- Direct questions regarding licensing or tonnage to (608) 224-4537 or email datcpfeedlicense@wisconsin.gov.
- Direct questions related to labels, inspections, or sampling, to (608) 224-4539 or email datcpfeed@wisconsin.gov.

If we do not hear from you, you will receive direct contact from the program staff, inquiring about your practices with byproducts and seeking to assist you with acquiring a commercial feed license, if applicable.