

## **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:

### **Using Brewery and Distillery Spent Grains for Feed**

#### **LOCATION OF PROPOSED GUIDANCE**

Proposed guidance document may be reviewed by accessing:

[https://datcp.wi.gov/Pages/About\\_Us/GuidanceDocuments.aspx](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](https://datcp.wi.gov/Pages/About_Us/GuidanceDocuments.aspx)

#### **DEADLINE FOR SUBMISSION**

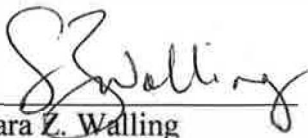
The comment period will run no fewer than 21 days after the publication of this document in the Administrative Register.

#### **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, Wis. Admin. Code, ch. 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 Z. Walling  
Administrator

Division of Agricultural Resource Management



Wisconsin Department of Agriculture, Trade and Consumer Protection

Division of Agricultural Resource Management

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GUIDANCE DOCUMENT

## Using Brewery and Distillery Spent Grains for Feed

*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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Webpage describes, in more detail, the need for an annual commercial feed license, benefits of partnering with livestock producers, the disposal of byproducts not used for animal feed, distributing spent grains, and the commercial animal feed licensing requirements.

[https://datcp.wi.gov/Pages/Programs\\_Services/SpentGrainsForFeed.aspx](https://datcp.wi.gov/Pages/Programs_Services/SpentGrainsForFeed.aspx)

	03/06/2020
Sara Walling - Administrator, Division of Agricultural Resource Management	DATE

Contributors: Heather Bartley, Robby Personette, Leeann Duwe
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State of Wisconsin  
 Department of Agriculture, Trade and Consumer Protection

## Using Brewery and Distillery Spent Grains for Feed

Wisconsin is proud of our thriving brewing and distilling industry. Many of these businesses are brewing and distilling daily, weekly, or year-round, resulting in the continuous generation of a valuable byproduct: spent grains.

Although many businesses involved in Wisconsin's thriving brewing and distilling industry choose to distribute their byproducts as animal feed, **you may not be aware that they need a commercial feed license – even if you are not charging farmers for the spent grains.** Licensing helps assure that Wisconsin livestock consume feed that remains wholesome and safe, thereby protecting both human and animal health. Distributing these byproducts as a livestock feed ingredient is widely considered to be the least costly option for byproduct disposal when compared to the other disposal options.

Annual commercial feed license costs:

- License fee: \$25
- Tonnage fee: \$50 a year for up to 200 tons, or \$0.25 per ton if more than 200 tons

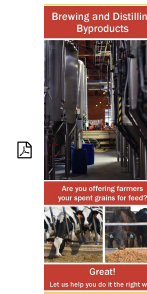
[Benefits of Partnering with Livestock Producers](#)

[Disposing of Byproducts Not Used for Animal Feed](#)

[Licensing Requirements](#)

[Next Steps: If you are distributing spent grains or want to distribute them yourself](#)

### Resources



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[New commercial feed license application](#)

[Commercial feed license information](#)

[Laboratories Doing Feed Analysis](#)

### Contacts

General questions  
[datcpfeed@wi.gov](mailto:datcpfeed@wi.gov)  
 (608) 224-4539

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### Benefits of Partnering with Livestock Producers

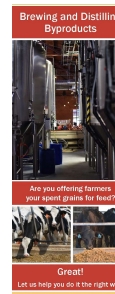
When breweries and distilleries partner with area livestock producers to provide those spent grains for animal feed, it is a win-win situation for both parties. Animal producers who use these spent grains as a component of their cattle, hog, poultry, or fish feeding program, results in their animals benefiting from the spent grains' nutrient value. This includes protein, amino acids, vitamins, and minerals. Meanwhile, breweries and distilleries avoid some of the challenges and costs associated with finding other water disposal options for their spent grains. Distributing brewery and distillery byproducts as animal feed can also help to reduce each business's environmental footprint, increases local partnerships, and supports farms by providing a valuable and nutritionally consistent feedstuff. Distribution of spent grains can turn these byproducts into a value-added aspect of a brewing or distilling business.

### Disposing of Byproducts Not Used for Animal Feed

### Licensing Requirements

Next Steps: If you are distributing spent grains or want to distribute them yourself

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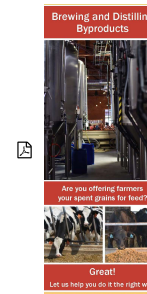
Brewers and distillers who choose not to distribute byproducts as animal feed can dispose of their byproducts by any of the following methods:

- **Landfilling:** This is often the most expensive option, with average tipping fees of about \$55/ton.
- **Land spreading:** Requires a Wisconsin Department of Natural Resources permit and identification of farm fields where byproducts will be spread. Farms may need to account for the spent grain in their nutrient management plans and may not always be in a position to accept the byproducts brewers and distillers need to spread.
- **Third party contract pickup:** Some businesses will pick up byproducts from human food processors and either sell them for further processing or process them into other products themselves.

Licensing Requirements

Next Steps: If you are distributing spent grains or want to distribute them yourself

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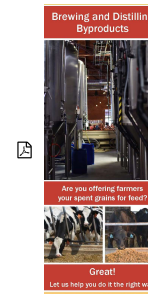
Licensing Requirements

Because brewers and distillers are licensed under state and federal food safety laws, you are likely already meeting most of the good manufacturing process requirements (GMPs), as these are more stringent for human food than animal feed. Other licensing requirements that are relatively easy or inexpensive to satisfy include:

- **Labeling:** Labels must state what the product is made of (for example, spent grain) and list the company name and address, and quantity (for example, weight) of the product. The label also needs to carry a guaranteed analysis, which indicates the minimum nutrient values of the byproduct. Generally, laboratory analysis is necessary only initially to develop a standard label for your product, unless the process that produces the byproduct changes. A list of feed analysis laboratories is available at <https://datcp.wi.gov/Documents/WIFeedTestingLabs.pdf>. For farmers picking up spent grain in bulk, rather than in packaging, contact the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) at [datcpfeed@wi.gov](mailto:datcpfeed@wi.gov) to determine how to provide labeling information.
- **Reporting tonnage:** Feed license holders report the amount of feed or ingredients they distribute each year. DATCP has developed options for breweries and distilleries to determine feed distribution quantities; please contact us for more detailed information about how to estimate tonnage.
- **Inspections:** DATCP normally inspects feed facilities on a one to five year cycle. However, because most breweries and distilleries already meet human food safety requirements due to more stringent GMPs, the inspection cycle could be longer (for example, every 4-5 years). Another reason for the longer inspection cycle is because animal feed GMPs, like human food GMPs, are intended to proactively prevent adulteration. Because the spent grain usually moves out quickly (so as to avoid mold development, storage restrictions, etc.), adulteration during handling and storage is unlikely to be an issue.

Next Steps: If you are distributing spent grains or want to distribute them yourself

### Resources



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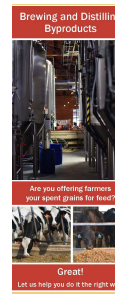
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Licensing Requirements

Next Steps: If you are distributing spent grains or want to distribute them yourself

1. Apply for a feed license using the [New commercial feed license application](#).
2. Create a label and submit it with the application.
3. After receiving an inspection and your license, you are legally able to distribute your spent grains or other byproduct.

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