FLORIDA DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES

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FLORIDA FEED PROGRAM
PRODUCTION, DISTRIBUTION AND REGULATION
OF COMMERCIAL FEED AND FEEDSTUFF

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1.0 SUMMARY

The information contained in this report represents Fiscal Year 2002-2003 data. The 2002 calendar year marked the first year the manufacturers and distributors of pet food were required to sample and analyze their products under the feed law subsequent to amendment of the statute in 2001. The addition of a large number of businesses lacking prior experience with the testing program resulted in a decrease in compliance with the minimum required sample tests from 96% in 2001 to 77% in 2002. It is expected the compliance rate will improve as pet food producers become more familiar and experienced in assuring product testing compliance under the law.

2.0 BACKGROUND

In 1994, the Florida Legislature passed Senate Bill 2704, containing several significant changes to the Florida Commercial Feed Law, Chapter 580, Florida Statutes (F.S.). The amended law went into effect on January 1, 1995, and contained the following substantive provisions:

The bill amended Chapter 580 F.S. to replace the regulatory feed program with a certification program for private laboratory testing of commercial feed. The bill required anyone who distributed commercial feed in the state to obtain a "master registration" from the department before distributing any feed. The registrants (including ingredient suppliers) must have their feed sampled and tested with regular frequency to protect consumers who purchase feed for their animals.

The bill identified five areas of testing in which the department developed standards and established certification: (1) nutrients; (2) mycotoxins; (3) microbiological organisms; (4) pesticide residues and; (5) drugs. Any laboratory may apply for certification in one or more of these five areas. The cost to apply for certification is $100 for each application and $300 for each certification category included in the application. Registrants must send their samples to certified laboratories, who in turn must report results to the department on a quarterly basis. Laboratories also are required to report violative samples immediately to the department.

A registrant may apply for an exemption from the certified laboratory testing requirement by submitting to the department its quality assurance-quality control plans, including laboratory testing protocols, for review and approval/disapproval. The department charges a fee for any evaluation to cover direct and indirect costs. Such exempt businesses must: 1) maintain the results of all laboratory tests performed on feed and feed ingredients for three years or as required by Federal Regulations, whichever is longer; 2) make records available for inspection by department officials; and 3) provide the results of any check-sample programs.

The department developed a testing matrix to establish the type and frequency of feed sampling and tests that must be performed by the certified laboratories. The results of these tests must be submitted to the department. Integrated poultry operations and cooperatives are not required to test their feed for nutrients. If there is evidence of a hazard to animal or public health, the bill allows the department to require additional sampling and testing.

The department retained the authority to inspect, sample, and test any feed or feedstuffs in the state and to take appropriate action to prohibit the distribution of violative feed or feedstuffs. The bill adopted language from the American Association of Feed Control Officials Model Feed Law regarding guaranteed analysis and labeling requirements, adulteration, misbranding, and condemnation of feed and feedstuffs. The bill consolidated the powers and duties of the department into one section in the current law.

The bill modified the fees for master registration, lowering the fee for commercial feed distributors who sell 100 tons or less per year and increasing the fee for large producers. It deleted the requirements for issuance of a warning letter prior to imposing a fine, allows probation, and requires the penalty imposed to be commensurate with the severity of the violation. Inspection Fees are no longer required. In addition, Feed Dealer's Bonds and Certificates of Deposit are no longer required. Registrants are now responsible for payment of certified laboratory analyses.

In 2001, the Florida Legislature made additional changes to the Feed Law. These changes include reinstating the regulation of pet food products, mandating that all feed labels bear complete information required by the Federal Food and Drug Administration, and eliminating the requirement of annual on-site audits of certified feed laboratories. The elimination of annual on-site audits was especially helpful in allowing the Department to make the most efficient use of the limited staff assigned to the program.

3.0 CURRENT PROGRAM STATUS

3.1 BOVINE SPONGIFORM ENCEPHALOPATHY (BSE)

Bovine Spongiform Encephalopathy (BSE), first identified in 1986 in the United Kingdom and sometimes referred to as Mad Cow Disease, is a fatal disease that causes progressive neurological degeneration in cattle. It is one of a family of diseases called TSEs, or transmissible spongiform encephalopathies, named for the sponge-like gaps that develop in the brain tissue of diseased animals or people. One TSE disease that affects humans is called Creutzfeldt-Jakob Disease (CJD). The new form of this disease, variant CJD (vCJD), is related to the BSE disease of cattle. There is strong scientific evidence that the prion agent that causes BSE in cattle is the agent that causes vCJD in people.

So far, there have been numerous cases of vCJD reported in the United Kingdom and elsewhere in Europe, believed to occur in people who consumed beef products contaminated with the infective BSE agent. There are no reported cases of BSE in the United States. In May of 2003, officials from the Canadian government reported Canada's first case of BSE since the last case occurring in that country a decade ago. The circumstances under which the single cow from a commercial farm in northern Alberta became infected with the disease remains uncertain, but news of the infection raised new concerns over the measures currently in place to prevent the establishment of BSE in the United States. In response, the Department increased its surveillance of feed product shipments from Canada and later focused its review on pet food when it was determined that rendered material from the infected Canadian cow may have been used in a product manufactured in Alberta. However, upon further evaluation, it was determined the product had no history of distribution in Florida.

To help ensure this disease does not enter Florida, the Bureau of Compliance Monitoring renewed it's contract with the Food and Drug Administration (FDA) and increased its number of inspections of Florida feed distributors, as well as firms that are responsible for feeding ruminant animals, to make certain that no prohibited mammalian protein is used in feed for ruminants such as cows, goats and sheep.

A total of 75 BSE inspections were performed by the Department resulting in no apparent violations of the federal BSE rule (21CFR Part 589.2000). The FDA performed an additional 59 inspections and detected 1 violation that resulted in a warning letter. These inspections to emphasize feed safety will continue throughout the next fiscal year. The Department also receives a $50,000 annual legislative appropriation that funds the development of laboratory testing methods to detect prohibited mammalian proteins in ruminant feed. These testing methods will allow the Department to monitor the feed supply for materials that could cause BSE.

3.2 NUMBER OF LABORATORIES CERTIFIED/EXEMPTED

Eight laboratories attained certified status. None of these laboratories are located within the State of Florida. Three of the laboratories were certified in only one category. One of the laboratories was certified in all five categories. One laboratory applied for and received exempt status. All of the laboratories participate in the Association of American Feed Control Officials monthly check sample program. All proficiency results from each of the certified laboratories are reviewed monthly.

3.3 RESULTS OF ANALYSES REPORTED BY CERTIFIED LABORATORIES

The department developed sampling matrices for ingredients and mixed feeds by category/type. A total of 2,100 samples were submitted and analyzed and 58 were found to be violative in one or more categories. This represents an overall violation rate of 2.8%.

3.4 CONSUMER COMPLAINTS

The department received seventeen (17) feed complaints concerning potential animal health issues. Five of the complaints received involved commercial agricultural feeds and the other twelve involved pet food products. Of the seventeen complaints, six were accompanied with sufficient information to warrant an investigation. A total of ten samples were collected and analyzed in association with the investigations. There were no significant violations identified as a result of the investigations.

3.5 TOTAL FEES AND PENALTIES BY TYPE COLLECTED BY THE DEPARTMENT

The total amount of fees and penalties collected was $411,703 for Fiscal Year 2002-2003. They are listed below by type:

Master Registration.....$392,480
Penalties.....$7,135
Administrative Fines.....$5,288
Laboratory Certification Fees..... $6,800

Penalties are calculated based on violative samples, short weight products and misbranded products. Projected registration fees for next fiscal year are $393,000.

Appendix A
Florida Feed Program Overview

Fiscal Year								
	95/96	**96/97**	**97/98**	**98/99**	**99/2000**	**2000/01**	**2001/02**	**2002/03**
# of Certified Laboratories	8	8	8	5	5	5	7	8
# of Samples Submitted	2,368	2,642	2,481	2,275	2,297	1,945	2,325	2,100
Violation Rate	9.1%	6.9%	5.1%	5.3%	4.4%	5.4%	4.0%	2.8%
Consumer Complaints	50	36	29	6	7	5	14	17
Master Registration Fees Collected	$304,440	$325,100	$373,775	$337,800	$355,300	$361,096	$385,895	$392,480
Penalties Collected	$4,625	$4,002	$7,232	$6,665	$25,046	$25,545	$8,989	$7,135
Administra-tive Fines	$126,000	$89,000	$73,559	$35,346	$5,642	$12,401	$21,146	$5,288
Laboratory Certification Fees	$7,549	$6,200	$5,500	$5,708	$6,000	$6,000	$6,800	$6,800
Total fees and Penalties Collected	$442,614	$424,302	$460,066	$385,519	$391,988	$405,042	$422,830	$411,703
% of Registrants in Compliance with Sampling Requirements	63%	76%	82%	86%	93%	94%	96%	77%