

**FLORIDA DEPARTMENT OF
AGRICULTURE & CONSUMER SERVICES**

CHARLES H. BRONSON, COMMISSIONER

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



SEPTEMBER 30, 2010

TABLE OF CONTENTS

1.0 SUMMARY	1
2.0 BACKGROUND	1-2
3.0 CURRENT PROGRAM STATUS	3
3.1 BOVINE SPONGIFORM ENCEPHALOPATHY (BSE)	3-4
3.2 LABORATORIES CERTIFIED/EXEMPTED BY THE DEPARTMENT	4
3.3 RESULTS OF ANALYSES REPORTED BY CERTIFIED LABORATORIES	4
3.4 NUMBER OF AND SUBJECT MATTER OF CONSUMER COMPLAINTS	4
3.5 TOTAL AMOUNT OF FEES AND PENALTIES BY TYPE COLLECTED BY THE DEPARTMENT	5
APPENDIX A	6

1.0 SUMMARY

The information contained in this report represents Fiscal Year 2009-2010 data. The Department's Feed program continues to regulate feed manufacturers who distribute their products in the state of Florida. This is accomplished through routine inspections, product label reviews, sample monitoring and maintenance of a master registration. Regulatory oversight is augmented with a privatized laboratory program which monitors guaranteed nutritive values, and a grant through the US Food and Drug Administration which provides for an in-house laboratory which monitors feed products for materials prohibited under the Federal Ruminant Feed Ban.

2.0 BACKGROUND

In 1994, the Florida Legislature passed Senate Bill 2704, containing several significant changes to the Florida Commercial Feed Law, Chapter 580 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 \$300 per category, and a \$100 application fee. 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 fundamental changes to the Feed Law. These changes include reinstating regulation of pet food, mandating that all feed labels bear all information required by the Federal Food and Drug Administration, and eliminating the requirement of annual, on-site audits of certified feed laboratories thus permitting better utilization of personnel for field regulatory activities.

On August 31, 2006 the Department implemented modifications to rules 5E-3.003. The purpose was to harmonize rule definitions to coincide with those listed in the Association of American Feed Control Officials (AAFCO) official publication and to categorize new products within the feed industry; to redefine an explicit sampling period; and to modify sampling requirements for feed ingredients and mixed feeds to correspond with revised definitions and to implement a more focused, risk based approach to regulatory enforcement.

3.0 CURRENT PROGRAM STATUS

During the 2008 Florida legislative session, Senate Bill No. 1702 amended Chapter 580.041 of the Florida Commercial Feed Law, by increasing the master registration fees imposed on commercial feed distributors. As of July 1, 2009, Feed registration fees are as follows:

<u>SALES IN TONS</u>	<u>FEE</u>
Zero, up to and including 25	\$40
More than 25, up to and including 50	\$75
More than 50, up to and including 100	\$150
More than 100, up to and including 300	\$375
More than 300, up to and including 600	\$600
More than 600, up to and including 1,000	\$900
More than 1,000, up to and including 2,000	\$1,250
More than 2,000, up to and including 5,000	\$2,000
More than 5,000	\$3,500

3.1 BOVINE SPONGIFORM ENCEPHALOPATHY (BSE)

Bovine Spongiform Encephalopathy (BSE), widely referred to as "mad cow disease," continues to be a critical feed-related issue. BSE is a progressive and fatal neurological disorder of cattle that is caused by infectious protein agents called prions. The disease was first identified in 1986 in the United Kingdom, but it was not detected in the United States until December 2003, when BSE was diagnosed in a single dairy cow in Washington State that was imported from Canada. Subsequently, two additional cows were confirmed to have BSE, one in Texas in 2005, and another in Alabama in 2006. In each case, swift government intervention prevented the infected cattle from entering the animal feed or human food markets.

To assure BSE does not develop in Florida, the Department extended its contract with the U.S. Food and Drug Administration (FDA) to conduct inspections of feed manufacturers, distributors, transporters, salvagers, and ruminant feeders. The focus of these inspections is the prevention of the establishment and amplification of BSE by ensuring that no prohibited mammalian protein products are used in feed for ruminant animals such as cows and sheep. A total of 330 BSE inspections were completed under the 2009-2010 contract and cooperative agreements and 320 additional inspections are planned for the 2010-2011 fiscal year.

The Department has implemented a laboratory testing program to monitor the presence of prohibited mammalian proteins in ruminant feed. This program allows the Department to monitor the feed supply for materials that could cause BSE utilizing Polymerase Chain Reaction (PCR) for the detection of prohibited protein materials as defined in FDA's Ruminant Feed Ban. This technology uses a DNA amplification technique to isolate and amplify any bovine proteins present and potentially prohibited from use in sampled feed products. In 2009-2010, 420 animal feeds were analyzed, of which 20 were determined to be positive for the presence of bovine protein material.

3.2 LABORATORIES CERTIFIED/EXEMPTED BY THE DEPARTMENT

Five laboratories retained their certification status with the Department. Two registrant laboratories have maintained their exempt status. All of the laboratories participate in the Association of American Feed Control Officials monthly check sample program and proficiency results from each of the certified laboratories are reviewed regularly.

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 1581 samples were submitted and analyzed and 76 were found to be violative in one or more categories. This represents an overall violation rate of 4.81 percent.

3.4 NUMBER AND SUBJECT MATTER OF CONSUMER COMPLAINTS

The department received seven (7) feed related complaints in 2009-2010 involving pet food and agricultural feed products. One administrative fine in the amount of \$1,056.00 was collected for feed rule violations.

3.5 TOTAL AMOUNT OF FEES AND PENALTIES BY TYPE COLLECTED BY THE DEPARTMENT

The total amount of fees and penalties collected was \$527,205 for Fiscal Year 2009-2010. They are listed below by type:

Master Registration.....	\$522,646
Penalties.....	\$303
Administrative Fines.....	\$1,056
Laboratory Certification Fees.....	\$3,200

Projected registration fees for next fiscal year are \$522,646.

Appendix A
 Florida Feed Program Overview

Fiscal Year								
	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10
# of Certified Laboratories	8	8	8	7	6	6	6	5
# of Samples Submitted	2,100	2,079	2,233	2,310	2,147	2,413	1,724	1581
Violation Rate	2.8%	3.9%	3.4%	2.3%	1.8%	2.4%	4.2%	4.8%
Consumer Complaints	17	9	7	11	17	12	23	7
Master Registration Fees Collected	\$392,480	\$392,200	\$400,160	\$346,423	\$355,475	\$333,157	\$537,750	\$522,646
Penalties Collected	\$7,135	\$5,654	\$8,210	\$8,496	\$6,372	\$4,524	\$2,057	\$303
Administrative Fines	\$5,288	\$117,494	\$56,864	\$25,620	\$23,285	\$50,815	\$26,252	\$1,056
Laboratory Certification Fees	\$6,800	\$7,700	\$5,708	\$6,200	\$5,500	\$3,900	\$2,500	\$3,200
Total fees and Penalties Collected	\$411,703	\$523,048	\$470,942	\$386,739	\$388,332	\$392,396	\$568,559	\$527,205
% of Registrants in Compliance with Sampling Requirements	77%	84%	86%	76%	82%	86%	90%	95%