



# News & Views

*A Monthly Publication Dedicated to the Feed, Seed, Grain and Farm Supply Industries of Wisconsin*

## Scholarships Awarded ■

Wisconsin Agri-Service Association (WASA) is pleased to announce the 2009 recipients of the Eldon Roesler Scholarships. This year's recipients are:

Kayla Dolan – University of Wisconsin--Platteville  
Carissa Levash- University of Wisconsin- Madison  
Melissa Sattler - University of Wisconsin-River Falls  
Cody Sorge- University of Wisconsin-Platteville

Kayla Dolan is the daughter of Paul and Mary Dolan of Dodgeville. Kayla is currently studying Animal Science – Pre-Veterinary at the University of Wisconsin-Platteville. Her intended career is to become a large animal veterinarian. She is presently employed at UW-Platteville Pioneer Farm.

Carissa Levash is the daughter of Jerry and Tracey Levash of Brillion. Carissa is currently studying Dairy Science with a minor of Agribusiness at the University of Wisconsin-Madison. Her intention upon graduation is to become a financial manager for an agricultural business. She is presently employed at the Levash Dairy Farm.

Melissa Sattler is the daughter of Paul and Kathy Sattler of Maribel. Melissa is currently studying Agricultural Engineering Technology at the University of Wisconsin-River Falls. Her intended career upon graduation is to be an agricultural engineer. Melissa is currently employed at Harvest Tec.

Cody Sorge is the son of Tim and Patsy Sorge of Blue River. Cody is currently studying Agribusiness with emphasis on engineering technology at the University of Wisconsin-Platteville. He is currently an intern with John Deere Worldwide Product Development.

On behalf of the WASA Scholarship Committee and members, we extend our congratulations to all of the 2009 Eldon Roesler Scholarship recipients.

## Somebody Asked■

**Q.:** I heard something about new rules regarding feed mills handling chromium and another compound having to keep special records and do special cleaning of their facility. What's the whole story?

**A.:** The Environmental Protection Agency has proposed a rule that would establish a national emission standard for manganese compounds and chromium compounds emitted by prepared feed manufacturers. Currently, the rule is in comment period which is set to end Aug. 26, however both AFIA and NGFA, as well as WASA and other state feed associations, have sent letters requesting a 90-day extension of the rule's comment period. We believe the comment period must be extended based on flawed and incorrect assumptions by EPA in the development of the proposed rule.

The EPA's national emission standard as proposed would affect all feed manufacturers (except those manufacturing dog and cat food and designated laboratory animal diets) that use manganese compounds or chromium compounds within their operations. *That is any amount of chromium or manganese compounds, even if the compounds are only present as trace minerals in a pre-mix. Even just a single time.*

Among other things, the proposed rule would require affected feed manufacturers to: 1) implement specific housekeeping measures to minimize excessive dust; 2) use specified control devices and practices to minimize potential emissions, and 3) establish, maintain and submit to EPA, as required, designated records that demonstrate the facility's compliance to the rule.

The real focus of the proposed rule is on pelleting operations producing 50 tons or more per day of product using the two named products. Operations that fall into this category have another set of recordkeeping requirements involving performance and monitoring of the pelleting operation and the cyclone associated with the pelleter. However, operations that do not pellet still have all of the other requirements with which to comply.

The “ask” we are seeking is for EPA to set some *de minimus* level of the handling of these two compounds below which the rule wouldn’t apply. The EPA in the Federal register notification regarding this proposal stated they thought it would impact only 32 feed mills nationwide. We believe it would, as written, impact almost all 6,000+ licensed feed mills in the country.

We’ll keep you updated as more information or changes are made public.

*Source: AFIA and NGFA*

## Reportable Food Registry ■

The FDA recently announced a new requirement, the Reportable Food Registry, affecting *all* registrants of the Bioterrorism Act’s FDA Food Facility Registration program. This means every feed mill or grain elevator, grain processor, or grain hauler. It basically covers every facility in the trade. If you haven’t already registered, you need to, pronto.

The reportable food registry is designed to be a sort of “early warning system” for FDA regarding potential contaminants of human or animal foods. It is scheduled to go “live” on September 8, of this year, so everything listed below will be a requirement affecting your operation after that date. (A coalition of commercial ag associations, including NGFA, have requested FDA to delay implementation 45 to 60 days and/or exercise enforcement discretion for a comparable time period. As of this writing, the original plan is still in place.) But first a couple of definitions:

- A “reportable food” is an article of food which has a reasonable probability of causing serious

adverse health consequences in humans or animals;

- the “responsible party” for making the report is the individual who submitted the food facility registration with FDA, this “named” individual will become very important in a moment; and
- the report is to be made to FDA as soon as possible, but no later than 24 hours after determining a product meets the “reportable food” threshold.

The registry allows for **internet-based** submissions only; telephone or written communications with state or Federal regulatory officials **do not** meet the requirement. Failure to meet the reporting requirements, either in timeliness or format, is a felony violation of the Food and Drug Act with the “responsible party” being the individual held accountable.

Let’s give a pretty clear example of an incident that would fall under the requirements of the law. Assume a feed mill prepares a feed for a dairy farmer and almost immediately after delivery of the feed, animals become very sick and some die. The farmer contacts the feed mill to complain, and upon investigation, the mill manager determines the feed batch was prepared incorrectly, which in all likelihood resulted in the animals’ condition. The mill manager has a reasonable belief following this investigation his mill’s feed caused the injury, and that it did not involve adulterated product that came into the mill. As the responsible person, he (or his designee) must within 24 hours of this determination, make a report to the Registry. The report takes about 20 to 30 minutes to complete, assuming you have all the requested information at your fingertips. Depending on the individual incident circumstances, you may also be required by FDA to notify immediate prior sources and recipients of the product. In this case, since the adulteration was confined to the mill and a single customer, additional notification should be unlikely, however, FDA upon investigation may have a different opinion.

That provided a pretty clear example of the threshold for reporting an incident, the required investigation by the facility and the reporting itself. But there are innumerable incidents that could also trigger the reporting requirement that might not be so obvious.

We'll give another grain handling example to illustrate this is NOT a requirement with which only feed mills need to concern themselves. Consider a grain elevator discovers treated seed in a load of grain. It's pretty clear it meets the "reportable food" threshold and would require a report. The added "bonus" in this particular scenario is because the treated seed was likely intentionally added to the load; FDA will automatically notify the Department of Homeland Security of this report as an intentional adulteration and will investigate accordingly. An upside of this new reporting scheme may be a decline in the number of treated seed incidents, especially if producers start getting DHS visits.

Obviously, this last example could occur at a feed mill just as easily as a grain elevator, but we want to make clear this is not just a feed mill issue or concern. At a briefing given by FDA on this topic which WASA staff attended, it became quickly clear during the Q&A sessions that FDA hadn't fully comprehended the potential torrent of reports that could potentially be submitted. In addition, despite this possible overwhelming volume of reports, it was also made very clear during Q&A, the FDA wishes you to err on the side of reporting incidents which may not be as clear as the examples that were given earlier in meeting the threshold criteria. One example was given by an audience member which described a real "grey area" regarding reporting, and was told by an FDA staffer he had a decision to make; either spend 20 minutes complying by completing the form and leaving the yes/no decision to FDA or personally face potential felony prosecution. You get the picture.

On a somewhat related note, the House version of the Feed/Food Safety bill was voted on and approved by that body late last month. The Senate will now consider their version. Expect a bill to be before the President before the end of the year implementing the changes.

The impact items of which you should be aware regarding this major change to feed regulations were listed in detail in the [June '09](#) edition of this newsletter. The only real changes from the earlier House version are the elimination of the on-farm registration and recordkeeping requirements. Yes, grain farmers are largely excluded from the House version (and likely the Senate version as well), but times are changing. Expect, within the next two years, on-farm feed mixing operations to be corralled in with commercial operators in terms of regulatory compliance. The American Association of Feed Control Officials earlier this month passed a Non-Commercial (read: on-farm) Model Feed Bill and FDA is moving forward an Animal Feed Safety System (AFSS) which includes an on-farm component.

*A thank you to NGFA for assistance in writing this article regarding a very complicated subject.*

## **Board of Director Update**

At the Last Board of Directors meeting, the Board accepted the resignation from the Board of Seed Industry representative Doug Bastian. Doug had accepted a position with a different company and the new position required him to move out-of-state. Given these circumstances, he felt it best to resign with regret from the WASA Board. To fill this vacancy, the Board, in accordance with the Association's by-laws, appointed Tim Bauer of Deer Creek Seed in Ashland to complete Mr. Bastian's term on the Board.

## **Looking Down the Road**

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| <b>Sep. 10</b>    | <b>WASA Golf Outing<br/>Northern Bay Golf Resort, Arkdale</b>  |
| <b>Jan. 28-29</b> | <b>WASA Convention and Trade Show, held in conjunction with the Corn/Soy Expo<br/>Kalahari Resort, Wisconsin Dells</b> |