

REGULATIONS FOR SPECIFIC PRODUCTS

SELLING FORAGE CROPS, FEED AND PET FOOD



As people pay increasing attention to ingredients in food, they are also interested in the source and quality of food for animals. There are opportunities for small farmers to make value-added products. The market for animal feed and forage runs the spectrum from gourmet pet food sold direct at farmers markets or to specialty pet supply shops, to niche animal feed for other small and mid-sized farms seeking local, high-protein, or certified organic products, and to bulk sales of organic or conventional hay and forage crops to livestock owners.

This fact sheet includes information on:

- Is it pet food or animal feed?
- Pet food registration, formulation, testing, and labeling.
- Commercial feed licensing and labeling, and selling forage crops.
- Commission Merchant License.
- Additional resources.

Is it Pet Food or Animal Feed?

“Commercial feed” is an umbrella term that refers to any materials used as—or mixed into—animal food that is distributed for sale, exchange or barter. WSDA regulates these products. Commercial feed manufactured for dogs and cats is called “pet food.” Food manufactured for domestic animals normally maintained in a cage or tank is called “specialty pet food.” Pet food is regulated separately from other commodities used for animal feed. WSDA Animal Feed Program licenses these activities and products.

WSDA licenses, registration, and reporting may be required for the following product or sales situations:

- **Pet Food/Specialty Pet Food Registration** for feed intended for domestic animals that live in or near their owner’s household, or that live in a cage or tank.
- **Commercial Feed License** for any commercial feed that is not pet food or specialty pet food.
- **Semi-Annual Commercial Feed Inspection Fee Report** for every pet food registrant or commercial feed licensee; this report must be filed regardless of the amount of feed distributed or inspection fees owed.

- **Commission Merchant License, or Limited Dealer and Broker Licenses** for hay or straw dealers or commission resellers.

All commercial feed licensees and registrants are required to file a semi-annual report of all feed distributed. Request the “Inspection Fee Report” form from the Animal Feed Program at feedreg@agr.wa.gov, or 360-902-1844.

Pet Food Registration, Formulation, Testing, and Labeling

Before you get into the pet food business, it is important to understand the federal and state regulations and definitions that apply. WSDA rules for pet food manufacturers and their facilities adhere to federal Food and Drug Administration (FDA) guidelines, including Good Manufacturing Practices and Preventive Controls for Animal Food.

Pet food and specialty pet food registration

All pet food and specialty pet food labels must be registered with the WSDA Animal Feed Program prior to any product distribution in Washington State. Treats, snacks, and nutrient supplements are all regulated as pet food. Edible chews (e.g., rawhide, hooves, pizzles) are also pet food under the law, but some may be exempt from state registration and labeling requirements under specified conditions.

Find the Pet Food/Specialty New Product Registration application (**Form 4307A**) and additional information on the WSDA website, agr.wa.gov, Animal Feed Program webpage.

The application requests information about:

- The person submitting the application (“the applicant”).
- The person assuming legal responsibility for the safety, formulation, and any labeling claims on the products (“the guarantor”).
- The company performing the final manufacturing process (“the manufacturer”).

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- The list of all products, including product name and package sizes.
- Label design and full color samples.

The registration fee is based on the sizes of the final product packaging. For products that will be packaged in amounts over 10 pounds, the fee is \$22. For products packaged in both large and small amounts, the \$90 fee applies. Products with the same label, but different weights, require a single registration. Contact the WSDA Animal Feed Program for details, petfood@agr.wa.gov.

Pet food testing and labeling

In order to make the labels required for registration, all pet food manufacturers need to have their product tested after formulation by an appropriate lab for the nutritional and/or toxicological analyses. This testing is required to be able to produce the guaranteed analysis of the ingredients and any other required testing. You can find your own lab or consult the listing provided by the “Business of Pet Food” website, petfood.aafco.org.

Labeling requirements for pet food are detailed in the “Pet Food Labeling Guide” found on the WSDA website, agr.wa.gov, or call 360-902-1844 or email petfood@agr.wa.gov.

At a minimum, all pet food labels must have the following:

- ✓ Product and brand name.
- ✓ The species of animal the feed is intended for.
- ✓ Quantity statement (net weight or net volume in the package).
- ✓ Guaranteed analysis.
- ✓ Lot identifier.
- ✓ Ingredients statement.
- ✓ Feeding directions.
- ✓ Name and address of the manufacturer or the person responsible for distributing the feed.

Pet food formulation

It is the producer’s responsibility to formulate products according to the appropriate nutrition standard for the animal species, age, and stage of life (lactating, non-lactating, etc.).

Products must meet the formulation and label requirements of WSDA’s Commercial Feed Rules - Pet Food and Specialty Pet Food (**WAC 16-252**). See the “Nutritional Adequacy” section in the Rule (**WAC 16-252-044**), or consult the Animal Feed Program.

Pet food facilities and inspections

Contact the WSDA Animal Feed Program directly for directions on registering as a Pet Food Facility. Pet food facilities must follow current Good Manufacturing Practices for safe animal food, which requires:

1. Sufficient management oversight and ensuring employees are properly trained and conform to safe practices.
2. Plants, grounds, and equipment be constructed, maintained, and used properly to prevent animal food adulteration.
3. Certain labeling requirements for holding and distribution of animal food.

Good Manufacturing Practices for pet food are the foundation for the Preventive Controls for Animal Food Rule in the Food Safety Modernization Act (FSMA). Contact the WSDA Animal Feed Program for details and to learn about inspections under this rule. These regulations apply to all types of facilities and equipment used in the production of animal food.

Depending on the product and the claim on the label, WSDA may conduct the following types of compliance inspections:

1. Current Good Manufacturing Practices For Animal Food
2. Current Good Manufacturing Practices for Medicated Feeds
3. Veterinary Feed Directives
4. Bovine Spongiform Encephalopathy (BSE)

Many of these regulations are based on the models provided by the Association of American Feed Control Officials (AAFCO). The website, petfood.aafco.org, is a great resource for getting started with your pet food business. For information, see the WSDA Animal Feed

Program webpage, agr.wa.gov, call 360-902-1844 or email AnimalFeed@agr.wa.gov.

Commercial Feed License and Labeling, and Forage Crops

Single commodities that are not mixed (or otherwise processed) are generally not regulated as animal feed and do not fall under the licensing requirement for animal feed. Whole grains and cobs husks and hulls that are not ground or mixed, as well as hay, loose salt, straw, stover, and silage are not regulated as animal feed.

However, some single ingredient foods that are not mixed, but have been processed, are considered a commercial feed and need a license. For example, distiller grains which are a byproduct from ethanol has been processed and may be used as a single ingredient commercial feed.

Find the commercial feed and ingredient list by searching for “Defined Ingredients List” at the WSDA website, agr.wa.gov.

Commercial Feed License application

Commercial feed manufacturers, guarantors, and distributors in Washington must apply for a Commercial Feed License with the state of Washington. A Commercial Feed License is required for each distribution location.

The Commercial Feed License application (form 4273) costs \$50 and can be found on the WSDA website, agr.wa.gov. An annual renewal application will be sent to all licensees by June 1. A complete renewal application with appropriate fee(s) must be received by July 1 or a late renewal fee of \$50 will apply.

Commercial Feed Labeling

The WSDA “Animal Feed Labeling Guide” is available on the WSDA website, agr.wa.gov, or by contacting feedreg@agr.wa.gov, 360- 902-1942.

If a manufacturer makes a “customer-formula feed,”—for example, a chicken producer wants a formula mixed according to their specifications—a label

must accompany that feed bearing the following information:

- ✓ Name and address of the manufacturer.
- ✓ Name and address of the purchaser.
- ✓ Date of delivery.
- ✓ Customer-formula feed name and brand name if any.
- ✓ Directions for use and precautionary statements.
- ✓ If a drug is used, a complete medicated feed label.
- ✓ Quantity statement.

All other commercial feed distributed in Washington must be accompanied by a legible label that bears the following information:

- ✓ Product name and the brand name, if any, under which the commercial feed is distributed.
- ✓ If a drug is used, the name and concentration of the drug and the word “MEDICATED.”
- ✓ Purpose of feed statement.
- ✓ Guaranteed analysis which must be determinable by laboratory methods such as the methods published by the Association of Official Analytical Chemists.
- ✓ Ingredient statement, except in the case of single standardized ingredient feeds which are officially defined by the Association of American Feed Control Officials.
- ✓ Adequate directions for the safe and effective use of all commercial feeds containing additives such as drugs, non-protein nitrogen, supplementary vitamins, minerals or other dietary compounds.

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- ✓ Precautionary statements for commercial feed products containing prohibited mammalian protein or animal drugs (such as antibiotics).
- ✓ Name and principal mailing address of the person responsible for distributing the commercial feed.
- ✓ Quantity statement such as net weight, volume or count.
- ✓ Lot identification.

For labeling, inspection requirements, or for more information, search for “Commercial Feed” at agr.wa.gov, call 360-902-1942, or email FeedReg@agr.wa.gov.

Forage Crops

Silage and hay are not considered commercial feed and are not regulated by the Animal Feed Program, if unmixed and unadulterated. For the list of forage crops that may need a Commercial Feed License, please see the “Commercial Feed List” at the WSDA website, agr.wa.gov.

However, hay, forage and commercial feed for brokerage or sale must follow quality standards, including weed and noxious weed-free certification.

All plant material shipped into or within Washington State must be accompanied by an inspection certificate and/or any certification tag or label of the state-of-origin and be free from injurious pests, diseases, and noxious weeds.

WSDA Plant Services Program provides the certification, in cooperation with the Washington State Noxious Weed Control Board and county-level weed boards. Inspections for this preventative program are conducted within 10 days prior to cutting of fields. Surrounding buffers must also be free of mature seed heads or propagating parts of any weeds on the Washington noxious weed list, or the “Prohibited Plant List” found at agr.wa.gov, or by calling the WSDA weed specialist in Yakima, 509-249-6973.

For the most current information on specific Washington State quarantines, visit the “State Laws and Regulations Summary” at the National Plant Board website, nationalplantboard.org.

Commission Merchant License

A Commission Merchant License is required for anyone who buys hay and straw, seeds, and other agricultural products (not including grains and legumes) for the purpose of reselling and is being paid a sales commission by the producer. Anyone who receives any agricultural product on consignment for sale or processing also needs this license. A Commission Merchant License costs \$605, and the licensee must be bonded for a minimum of \$10,000. The maximum bond amount is based on the annual gross dollar amount of purchases.

To learn more about the WSDA Commission Merchants Program, contact commerch@agr.wa.gov, 360-902-1822.

Additional Resources

- “The Business of Pet Food” website, petfood.aafco.org, offers details on nutritional formulation and defined ingredients.
- For animal health and nutrition guidance when developing your product, contact WSU Co-op Extension Animal Science at ansci.wsu.edu, 509-335-5523.
- The Association of American Feed Control Officials (AAFCO), aafco.org, provides resources for the animal feed and pet food industry.



- 5. Licensing
- 9. Insurance
- 23. WSDA Food Processor License and Facilities
- 25. Food Product Recalls