

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:

Brewing and Distilling Byproducts

LOCATION OF PROPOSED GUIDANCE

Proposed guidance document may be reviewed by accessing:

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

DEADLINE FOR SUBMISSION

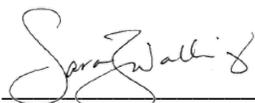
The comment period will run no fewer than 21 days after the publication of this document in the Administrative Register.

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. 94.72, Wis. Admin. Code, ch. ATCP 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 Walling

Administrator

Division of Agricultural Resource Management



Wisconsin Department of Agriculture, Trade and Consumer Protection

Division of Agricultural Resource Management

PO Box 8911, Madison, WI 53708-8911

Phone: 608-224-4539

Fax:608-224-4656

GUIDANCE DOCUMENT

Brewing and Distilling Byproducts

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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Brochure describing the possible avenues a brewery or distillery may use to reuse or recycle the spent grains from their manufacturing process. One avenue includes use as an animal feed, provided the brewery or distillery takes the appropriate steps to be licensed and in compliance with commercial animal feed distribution, labeling, and manufacturing requirements.

Sara Walling - Administrator, Division of Agricultural Resource Management

9/30/19

Click or tap to enter a date.

DATE

Contributors:

Heather Bartley, Andrew Dal Santo, Robby Personette, Lori Bowman



Wisconsin has a thriving brewing and distilling industry. Many of these businesses provide spent grain to farmers for livestock feed. If you are one of these businesses, you might not be aware that you need a commercial feed license to distribute animal feed ingredients in Wisconsin. Licensing helps assure a safe feed supply for livestock, which also protects human health.

The costs are low and requirements minimal in comparison to the human food industry. In fact, you probably already meet many of the animal feed requirements by virtue of your food processing license.



Wisconsin Department of Agriculture,
Trade and Consumer Protection
2811 Agriculture Drive
P.O. Box 8911
Madison, Wisconsin 53708-8911

Requirements for Wisconsin commercial feed licensing are found in Wisconsin Administrative Code Chapter 42: (http://docs.legis.wisconsin.gov/code/admin_code/atcp/020/42) and in Wisconsin Statutes 94.72 (<http://docs.legis.wisconsin.gov/statutes/statutes/94/72/1/g>).

Brewing and Distilling Byproducts



Are you offering farmers your spent grains for feed?



Great!
Let us help you do it the right way.

Benefits of licensed distribution:

- **Your bottom line** Distributing your byproducts to farmers costs far less than landfilling.
- **Farmers' bottom lines** Byproducts provide low-cost feed ingredients for farmers – helps cut producer input costs, especially in the current challenging farm economy.
- **Animal nutrition** Brewing and distilling byproducts offer good sources of protein, fiber, and energy in livestock feeds.
- **Beneficial reuse** Productive use of spent grains means more efficient, effective, and responsible use of our landfills.

Byproduct Options

You have options when it comes to reuse or disposal of your byproducts of processing. For more detail on any of the options below, please contact us.

- **Commercial feed license** \$25 a year, plus \$50 for up to 200 tons, or 25 cents a ton for more than 200 tons
- **Contracted pick-up** Enlist a third party to take ownership of and be responsible for the distribution of the byproducts.
- **Landfilling** This is the least favorable option from a cost analysis. Average tipping fees in Wisconsin are about \$55/ton.
- **Land spreading** Administrative costs vary for the appropriate DNR permits and recordkeeping requirements.



It's not hard to get licensed

There are some requirements to get a commercial feed license, but they are easy to meet, especially since your business already meets food safety standards. Briefly, these are the requirements:

Labeling

A commercial feed license does involve some labeling requirements. These may vary somewhat depending on the specific by-products you plan to distribute. Contact us to learn about the specific requirements.

Reporting tonnage

Commercial feed licensees do report how much feed they distribute in Wisconsin each year. However, you do not need to weigh each truckload, buy a scale, or install a scale. One alternative would be to work out an arrangement with a local elevator to get an average weight for a truckload to calculate your annual distribution in tons. We will work with you to determine the best method for estimating your annual tonnage.

Inspections

Feed license holders can expect to have an inspection take place at their facilities about once every 5 years. However, as licensed food processing plants, breweries and distilleries already meet Food Safety Modernization Act requirements that are more stringent than the good manufacturing practices, or GMPs, required for a commercial feed license. GMPs also require that the products be stored in a way that prevents adulteration. Because you are moving these byproducts out quickly, this is unlikely to be an issue for you.

For more information

Online https://datcp.wi.gov/Pages/Programs_Services/CommercialFeedLicensingFormsandTonnageReporting.aspx

Email datcpfeed@wi.gov

Phone (608) 224-4539

