

State of Connecticut
Regulation of
Department of Agriculture
Concerning
Commercial Animal Feed

Section 1. The Regulations of Connecticut State Agencies are amended by adding sections 22-118q-3 through 22-118q-15, inclusive, as follows:

(NEW) Sec. 22-118q-3. Definitions

As used in this section and in sections 22-118q-4 through 22-118q-7 of the Regulations of Connecticut State Agencies, inclusive, the following definitions shall apply:

- (1) The definitions in section 22-118k of the Connecticut General Statutes, and in 21 CFR 507.3 as amended from time to time, shall be applicable;
- (2) “Act” means the federal Food, Drug and Cosmetic Act, Title 21 U.S.C. 301 et seq., as amended from time to time;
- (3) The definitions contained in The Official Definitions of Feed Ingredients and Official Feed Terms adopted by the Association of American Feed Control Officials and published in the official publication of that organization (located at the following web address: <https://www.aaafco.org/Publications>), as amended from time to time, shall be applicable. A copy of such document may be inspected by contacting the Department’s Bureau of Regulatory Services by e-mail at AGR.Commodities@ct.gov or by phone at (860) 713-2513;
- (4) “CFR” means the Code of Federal Regulations; and
- (5) “Department” means the Department of Agriculture.

(NEW) Sec. 22-118q-4. Registration of Commercial Feed Manufacturing Facilities, Exemption from Registration, and Inspections.

- (a) Any person who manufactures commercial feed with gross sales of at least twenty-five thousand dollars per year and who offers such commercial feed for sale, shall register annually with the department, on a form provided by the commissioner, and provide the following information:

- (1) Name of owner;
 - (2) Business address, phone number and email address of owner;
 - (3) Address of the commercial feed manufacturing establishment; and
 - (4) Description of commercial feed to be manufactured.
- (b) As a condition of, and prior to its initial registration, a commercial feed manufacturing facility shall be required to pass an inspection performed by the commissioner or his designated agent.
- (c) An exempt commercial feed manufacturing facility may file annually with the Commissioner or the commissioner's designated agent a declaration statement on a form provided by the commissioner to having met the exemption requirements. The declaration statement is not binding on the department for any determination that such commercial feed manufacturing facility is exempt from registration.
- (d) Initial applications and renewals for registration shall pay a non-refundable registration fee as specified in section 22-118l of Connecticut General Statutes.
- (e) Any registered commercial feed manufacturing facility may be inspected by the Commissioner, or designee, at a frequency to be determined by the commissioner. Any commercial feed manufacturing facility with gross sales of commercial feed of less than twenty-five thousand dollars per year shall be exempted from inspection, except upon complaint as provided for in section 22-118l of Connecticut General Statutes
- (f) Such inspections may include obtaining samples and specimens of commercial feed or commercial feed ingredients for laboratory analysis.

(NEW) Sec. 22-118q-5. Standards for the manufacture, sale and distribution of commercial feed for animals in this state.

- (a) Each registered commercial feed manufacturing facility shall comply with the provisions of the federal Food, Drug and Cosmetic Act, 21 U.S.C. 301 et seq., as amended from time to time, applicable to the manufacture of commercial feed for animals:
- (1) 21 CFR PART 1, subpart L, subpart M and subpart O;
 - (2) 21 CFR PART 7, subpart A and subpart C;

- (3) 21 CFR PART 70, subpart B;
- (4) 21 CFR PART 73, subpart A;
- (5) 21 CFR PART 74, subpart A;
- (6) 21 CFR PART 81;
- (7) 21 CFR PART 82, subpart A and subpart B;
- (8) 21 CFR PART 225 and PART 226;
- (9) 21 CFR PARTS 500, 501, 502, 507 and 509;
- (10) 21 CFR PART 510, subpart D; and
- (11) 21 CFR PARTS 556, 558, 570, 573, 579, 582, 584 and 589.

(b) Copies of the Code of Federal Regulations adopted by reference in this section are available by contacting the Department's Bureau of Regulatory Services by e-mail at AGR.Commodities@ct.gov or by phone at (860) 713-2513.

(c) Each commercial feed manufacturing facility shall:

- (1) Only offer for sale commercial feed which is not adulterated pursuant to section 22-118o of the Connecticut General Statutes and is safe for consumption by the intended species; and
- (2) Maintain a food safety plan on file at their place of business if the commercial feed manufactured contains any potentially hazardous ingredient which requires time and/or temperature control to limit pathogenic microorganism growth or toxin formation. Potentially hazardous ingredients include animal-based foods, meat, poultry, milk, fish, eggs, shellfish and crustaceans. The food safety plan shall include a description of the ingredients, the likely hazards the ingredients may contain, the formulation or recipe to be followed, the procedures implemented to control or mitigate hazards that may be present in the ingredients and a recall plan. The food safety plan shall be made available immediately for review upon request of the Commissioner or the commissioner's designee.

(NEW) Sec. 22-118q-6. Registration of Commercial Feed, Labels.

- (a) No person shall distribute commercial feed in this state until the commercial feed is registered. Customer formula commercial feed that is manufactured and labeled for use by specific individuals shall be exempt from the provisions of this section.
- (b) Any person who distributes commercial feed shall electronically register each commercial feed offered for distribution or sale in this state with the commissioner on a form or system provided by the department. In addition to the requirements required for each feed label pursuant to section 22-118m of the Connecticut General Statutes for such commercial feed, each commercial feed registration shall include a copy of a label which contains the following information for each product being registered:
- (1) The product and brand name, if any, under which the commercial animal feed is offered for sale;
 - (2) The name of the manufacturer or the person, firm or corporation responsible for distributing the commercial animal feed as is applicable. If the name listed is not found in a telephone book, registry or available from an internet website printed on the label, the principal mailing address of the manufacturer or distributor shall also be printed on the label;
 - (3) A statement specifying the species name for which the commercial feed is intended conspicuously designated on the principal display panel;
 - (4) The common or usual name of each ingredient stated in descending order of predominance by weight;
 - (5) The net weight, volume, or numerical count in both U.S. customary and metric units;
 - (6) The guaranteed analysis to include the minimum percent of crude protein and crude fat, and the maximum percent of crude fiber and moisture and any additional guarantees;
 - (7) The calorie content measured in terms of metabolizable energy (ME) on an “as fed” basis expressed both as kilocalories per kilogram (kcal/kg) and kilocalories per familiar household unit on dog and cat food products;
 - (8) If the commercial feed is not a treat, snack or supplement, a nutritional adequacy statement that indicates the commercial feed is complete and balanced for a particular life stage, such as growth, reproduction, adult maintenance or a combination of these, or if the commercial feed is intended for intermittent or supplemental feeding only; and

- (9) If the commercial feed is not a treat or a snack, any and all applicable feeding instructions and precautionary statements to assure the safe and effective use of the commercial feed.
- (c) A legible, electronic, copy of the complete label in Portable Document Format (pdf) containing the information required in subsection (b) of this section shall be submitted with each new commercial feed registration application, or optionally a link to an internet address which provides a copy of the label. Such electronic document shall be legible when printed on paper no more than 8.5 inches by 11 inches or legibly displayed on a computer screen without magnification.
- (d) A non-refundable fee of eighty (80) dollars shall accompany each new commercial feed registration or registration renewal.
- (e) Commercial feeds that are identical except for net contents, may be combined and submitted as one commercial feed registration application, provided all package or container sizes are disclosed.
- (f) A commercial feed renewal registration shall not require resubmission of the information required for its initial registration, provided such commercial feed remains unchanged. Commercial feed shall be considered unchanged if the only change consists of new coloring or shading of the commercial feed packaging or label. Any change in the content or constituents of a commercial feed as originally registered, or a change in the descriptive phraseology on the label of the commercial feed provided in section 22-118m of the Connecticut General Statutes or this section shall be considered a new commercial feed.
- (g) The commissioner may refuse the registration or cancel, revoke, or suspend the registration of any commercial feed if there is reasonable cause to believe that the language, wording or design phraseology contained in the commercial feed registration or label exaggerates the quality of the commercial feed, or misstates its true contents, or if the commercial feed is misbranded or mislabeled in any manner. The commissioner shall provide notice of the refusal, cancellation, revocation or suspension of a commercial feed registration, and such notice shall specify the manner in which the commercial feed registration or registration application is in violation of this section.
- (h) Within thirty (30) days of the date of the notice provided in subsection (g) of this section, the registrant may submit a revised commercial feed registration, request an extension of time in which to revise the registration application, or withdraw the registration application. If, within thirty (30) days of the date of the notice provided in subsection (g) of this section, such revision is not submitted to the department, or an extension in the time to submit a revised label is not requested, the registration refusal, cancellation, revocation or suspension shall be deemed final. Any person aggrieved by the refusal, cancellation, revocation or

suspension of a commercial feed registration may appeal therefrom pursuant to section 22-118l of the Connecticut General Statutes.

- (i) Nothing in this section shall prohibit the resubmission of a commercial feed label previously refused, cancelled, revoked or suspended.

(NEW) Sec. 22-118q-7. Inspections, enforcement, hearings and penalties.

- (a) The commissioner or the commissioner's designee may inspect commercial feed at any location where commercial feed is manufactured, processed, packed, or held for distribution, in accordance with sections 22-118l and 22-118r of the Connecticut General Statutes. Such investigation or inspection may include obtaining samples and specimens for laboratory analysis.
- (b) Whenever an inspection or investigation reveals any violation of Chapter 428a of the Connecticut General Statutes or the regulations adopted thereunder, the manufacturer or distributor of the commercial feed shall be notified in writing of such violations(s) specifying the corrective action(s) to be taken, and specifying the time period within which such corrective action(s) shall be taken.
- (c) Nothing in this section shall be construed to limit the commissioner's authority to issue a cease and desist order pursuant to section 22-4d or any other action authorized by law.
- (d) Nothing in this section shall be construed to prevent the commissioner or the commissioner's designated agent from entering into a stipulated agreement or any other remedy with any person or entity which resolves a disputed violation or order.

(NEW) Secs. 22-118q-8. --- 22-118q-15. Reserved

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Statement of Purpose

Currently the department has no regulations governing the manufacture of safe pet food, pet treats or other animal feeds. The department secured funding from the federal Food and Drug Administration (FDA) to establish an Animal Feed Regulatory Program Standards (AFRPS). The FDA AFRPS program was initiated to standardize the regulation of animal feeds across the country and participating states has adopted similar standards and have the same training. Over the past 4 years we have developed standard operating procedures and trained personnel to the national standard. These proposed regulations are the final step in the process.

These proposed regulations incorporate the federal Code of Regulations as our standards for manufacturing and distributing animal feeds in this state. The purpose is to ensure pet food, pet treats, livestock and other animal feeds manufactured and distributed in this state are safe and wholesome. Animal food is regulated in much the same manner as human foods. In fact, at the federal level, animal food is included in the Food, Drug and Cosmetic Act. Safe animal feed not only protects pets, livestock and exotic animals, it protects their owners as certain foodborne diseases can be transmitted to people either through handling contaminated animal food or from contact with a sick pet. These regulations will protect against the risk from contaminated animal food to animals and their owners, keepers, and children in contact with pets.

Sec. 22-118q-3 provides definitions used in the regulations and also incorporates the feed ingredient definitions used by the states and FDA.

Sec. 22-118q-4 specifies the registration process for animal feed manufacturers with sales greater than \$25,000 annually. Those with sales less than \$25,000 are exempt from registration.

Sec. 22-118q-5 incorporates the sections of the code of federal regulations that are applicable to registered animal feed manufacturers.

Sec. 22-118q-6 provides for the registration of animal feed labels, this includes pet foods and pet treats. It provides for electronic submission of labels and the process to review and amend labels not in conformance. This section also provides for an appeal process should the department refuse to register an animal feed label.

Sec. 22-118q-7 Is the inspection and enforcement section. It provides for obtaining samples of animal feed for laboratory analysis, procedure to be followed when violations occur.