

House Research Act Summary

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Analyst: Colbey Sullivan

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Overview

The Minnesota Department of Agriculture (MDA) regulates the commercial feed industry in Minnesota (Minnesota Statutes, chapter 25). Commercial feed includes pet food and feed for livestock and other animals.

The federal Food Safety Modernization Act of 2011 required the United States Food and Drug Administration (FDA) to strengthen several food safety regulations, including the agency's rules for commercial feed. To date, FDA has not released its proposed feed rules.

This act requires MDA to issue good manufacturing practices certificates to qualifying commercial feed establishments in the state. Feed establishments may request an MDA inspection and MDA can charge a commensurate fee.

The act creates two distinct periods - before FDA finalizes its forthcoming rules, and after. Before FDA acts, the applicable certificate standards would be those established in this act. However, once FDA's regulations are final, the state standards will expire and be replaced by FDA's. Once FDA acts, MDA could still perform inspections upon request and issue certificates pursuant to FDA's new standards.

- 1 Good manufacturing practices certificate for commercial feed and feed ingredients.** This section requires MDA to inspect a commercial feed establishment if the establishment requests an inspection. MDA may issue a good manufacturing practices certificate if the establishment satisfies the requirements set forth in this section, or - once they are final - forthcoming federal rules that will require commercial feed establishments to implement certain preventative controls. This section establishes good manufacturing practices in the following areas: personnel, facility design, maintenance and housekeeping, equipment, product receipt and storage, manufacturing, packaging, labeling, storage, sampling and inspection of incoming feed or feed ingredients, transportation, and voluntary recall.

MDA may charge participating commercial feed establishments a fee based on MDA's mileage and inspection costs (subdivision 2, paragraph (b)).

The good manufacturing practices established in this act expire once FDA adopts rules regarding preventative controls for animal feed (subdivision 15). At that time, MDA would still provide inspections and issue certificates upon request. However, MDA would use FDA's standards because the state standards will have expired.

- 2 - 4** **Incorporation of federal rules.** These sections collectively incorporate FDA feed rules as part of the state's feed law via statute, rather than agency rules. MDA will no longer be required to promulgate rules to incorporate relevant FDA regulations.
- 5** **Repealer.** This section repeals MDA's existing rules that incorporate FDA's current regulations pertaining to commercial feed good manufacturing practices (Minnesota Rules, part 1510.2220) and "mad cow" disease/feeding ruminants mammalian proteins (Minnesota Rules, part 1510.2230).
- 6** **Effective date.** All sections became effective the day after Governor Dayton signed the act into law, or March 2, 2012.