Farmers, Brewers Await Revised Rule on Spent Grain

JOSIE SEXTON, The Coloradoan

FORT COLLINS, Colo. (AP) — After months of panic by brewers and farmers and their representatives in Congress, the U.S. Food and Drug Administration has announced it will amend a rule that, in its initial form, could have cost both industries millions of dollars.

The Food Safety Modernization Act, the largest reform of food safety laws in 70 years, passed through Congress in 2011, and as a result, in late 2013, the FDA proposed a rule to monitor U.S. animal feed production more closely in order to prevent food-borne illnesses such as salmonella.

But in the fine print of the administration's 100-page document, published last October, breweries were included in the new animal feed regulations. The reason? For centuries, they have been donating or selling their "spent" grains, leftover after sugar is extracted from malt during the mashing process, to farmers who use it to feed their cattle.

It's an old tradition of "one local industry helping another local industry," said Chris Thorne, vice president of communications for the Washington-based Beer Institute, which has been working with the FDA to amend the proposal.

"This is the kind of recycling story we want to see continue."

The only reason it couldn't continue, Thorne said, is the cost for a brewery to comply with new FDA standards. In regulating breweries also as animal feed producers, the FDA would require more cleaning, monitoring and sampling of the grain before its transfer to farmers. This would translate to manpower and machinery for a brewery and, on average, an investment of $13.6 million annually, according to a study by the Beer Institute and the American Malting Barley Association.

Both organizations say these costs are unnecessary.

In a letter to the FDA commissioner late last month, Sen. Mark Udall, D-Colo., echoed their sentiment.

"Brewers operate in a highly regulated environment currently which demands sterile practices and inputs..." Udall said in the letter. "... the U.S. Department of Agriculture has decades worth of data that ... does not reveal to my knowledge any evidence that dedicating spent brewers grains for agricultural use has ever compromised food safety to humans or animals."

"The (FDA) had a solution in hand, but they didn't have a problem," Thorne agreed. "The issue is that there would be greater costs, and if you didn't want to pay those costs, if you couldn't absorb them, then you'd probably landfill the grain."

On Thursday, the FDA said it would take another look at the rule [1] and clarify it. It said it considers livestock feed generally safe but wants to ensure brewers' grain is handled properly during transfer from breweries to farms.

When asked what they would do if forced to comply with the FDA rule, New Belgium Brewing and Odell Brewing Co. spokespeople said they likely would send the grain to a landfill. New Belgium produced 64 million pounds of spent grain in 2013 that it sold to one farm for animal feed. Odell produced just more than 5 million pounds that the brewery donated to one farmer.

Lugene Sas, owner of Taft Hill Dairy, started feeding his cattle with Odell's spent grain 20 years ago. Now he is a fixture at the brewery; Odell even has a chocolate milk stout named after him.

He drives a pickup truck twice daily, five days a week, to collect more than four tons at a time of the still slightly sweet, fibrous and protein-rich feed. He said the fiber in the brewer's grain is highly digestible, which helps his cows' gut movement. They like the taste, so they eat more and, in turn, they produce more milk. He has never had a problem with food-borne illness.

"Everything is fresh fresh fresh. You give them good, quality feed, they're happier cows," Sas said. "I'm in business today because of the feed, otherwise I would be out of something that I love to do."

He was worried about the FDA legislation being cost-prohibitive to brewers. Specifically, he mentioned a requirement to dry the spent grain, which is still wet when he gets it out of Odell's holding silo, less than 24 hours after the malt's mash.

But Thorne said this drying requirement is one of the biggest misconceptions that has spread across his industry in the panic since October. On the FDA website's open comment page, which closed at the end of March, more than 2,000 concerned parties took issue with some or all of the proposed brewery regulations, among them, drying out the grain.

But that wasn't even part of the FDA's proposal, Thorne said.

"I just don't know where that ever came from," said Dan McChesney, director of FDA's Office of Surveillance and Compliance, in an article published April 17 in Food Safety News. "What's expected of (brewers) is really not much more than what they're currently doing. ..."

As McChesney's comments indicate, the FDA is now responding to the beer community, first by dispelling any myths, and then by amending the proposal, which will happen this summer.

"We are working to develop regulations that are responsive to the concerns expressed, practical for businesses, and that also help ensure that food for animals is safe and will not cause injury to animals or humans," Juli Putnam said on behalf of FDA in an email statement.

With that, Thorne said he and the Beer Institute are "cautiously optimistic."

"It is our understanding that the amended rule will allow brewers to continue marketing spent grains in the same manner that we have been," he said.

"Brewers have demonstrated that we can market these grains in a safe, swift and sanitary process. The grain already exceeds human consumption standards, let alone those for animals."

Spent grain, by the numbers:

—64 million: pounds of spent grain that New Belgium produced in 2013, which was 74 percent of the brewery's total waste stream.

—64 million: pounds of spent grain that New Belgium sold in 2013, to one farm.

—5.1 million: pounds of spent grain that Odell Brewing created in 2013.

—90,000: pounds of spent grain donated by Odell Brewing to Lugene Sas, weekly.

—20: years that Sas has been getting his cattle feed from Odell Brewing.

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Information from: Fort Collins Coloradoan, http://www.coloradoan.com [2]

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