

FDA Will Revise Animal Feed Rule Affecting Brewers

M.L. JOHNSON, Associated Press

MILWAUKEE (AP) — The U.S. Food and Drug Administration said Thursday it will revise proposed livestock feed rules after hearing objections about the potential cost from brewers who sell grain leftover from making beer to ranchers and dairy farmers.

Beer makers big and small feared they would have to pay for grain testing, equipment, audits and other safety measures at an estimated cost of \$13.6 million per brewery, likely affecting the price of beer, beef and dairy products. To avoid passing on those costs, some brewers said they would have simply sent the grain to landfills.

The FDA proposed the rules as part of its implementation of the 2011 Food Safety Modernization Act, which is aimed at preventing outbreaks of foodborne illness. One incentive was the 2007 contamination of pet food from China with melamine, which killed hundreds of dogs and cats in the U.S.

"That was a tragic thing for pets, and it was sort of a wake-up call for everyone involved in food safety," said Dan McChesney, director of the Office of Surveillance and Compliance at the FDA's Center for Veterinary Medicine. "If this could happen with pet food, why couldn't it happen with human food?"

Livestock feed is generally safe, and the FDA is not aware of any problems with brewers' grain, McChesney said. The agency did not intend to force beer makers to come up with costly food safety plans, but it is concerned about potential contamination between the factory and the farm, he said.

As examples, McChesney mentioned feed being hauled in trucks that also transport fertilizer and chemicals being accidentally dumped in storage bins.

Brewers noted their grain is already covered by food safety rules for humans.

More regulation "just looked like it was a solution, looking for a problem," said Deb Carey, co-owner of New Glarus Brewing Wisconsin. Her craft brewery donates about 5 million pounds of spent grain per year to a local dairy farmer.

High-quality grain left over from the brewing process provides an important source of protein and fiber for cows in the dairy industry, said John Kappelman, a longtime farmer who now has a feed business in Port Washington, Wis.

"And environmentally, it's a much more friendly thing to do with these spent grains than attempt to landfill them," Kappelman said.

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Brewers had warned that the grain could end up in landfills if the new FDA rules added too much expense to beer production or the storage and transportation of grains. They gained support from federal lawmakers who lobbied the agency to take another look at its proposal.

"I made clear to (FDA) Commissioner (Margaret) Hamburg when we spoke that this ridiculous rule would have been extremely damaging for upstate New York, harming both our burgeoning craft brew industry and farmers alike," Sen. Charles Schumer, a New York Democrat, said in a statement Thursday. "I am glad she realized that the proposed rule is misguided and that she is committed to protecting this win-win transaction."

The FDA plans to release revised rules this summer and will seek comments before issuing a final rule next year.

MillerCoors official Steve Rockhold said his company sells grain to hundreds of farms around its breweries, and has been doing so since the late 1800s. The grain goes directly from the brewing kettle into a tank, where it's held before being trucked to farms.

"Quite frankly, we couldn't market our product in the volumes we do to these producers if it wasn't in a safe manner. ... If we put out a bad spent grain product, we aren't going to be able to sell that to the farmers or ranchers," he said.

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