

HOW CALIFORNIA'S FEED LAW APPLIES TO CONTAMINANTS IN ALFALFA HAY

Steven D. Wong ¹

Abstract: Alfalfa hay is a major roughage feed source for livestock in the production of meat and dairy products. Contaminants on alfalfa hay could result in serious losses to livestock producers. Alfalfa producers and distributors are subject to federal and state laws pertinent to pesticide residues. Pesticide residues are not the only contaminants of concern. Nitrates, heavy metals, noxious weeds and mycotoxins also occur in alfalfa hay. Quality of alfalfa hay may not be an assurance of the products' safety to livestock. Who is responsible for determining whether alfalfa hay is adulterated?

Keywords: Feed, Contaminants, Residues, Tolerance, Adulterated, Feed Safety, Feed Complaints

INTRODUCTION

The California Department of Food and Agriculture Feed, Fertilizer and Livestock Drug Branch (FFLD) is responsible for the administration of the Commercial Feed Law. This law is intended to enable the feed and feeding industry to ensure a clean and wholesome supply of meat, milk and eggs. Feed consumers look to the Department of Food and Agriculture for assurance that all feed sources are contaminant free. The law also provides assurance to consumer-buyers that feed products are properly identified and of the quality and quantity represented by the manufacturer.

COMMERCIAL FEED LAW

The Commercial Feed Law is a statute enacted to regulate feed and processed feed ingredients. In order to understand how the feed law pertains to alfalfa hay, we must consider some terms and definitions. First, there is "commercial feed". The California Food and Agricultural Code (FAC) defines "commercial feed includes all materials which are intended for use as feed or for mixing in feed except preparations which are manufactured and distributed for feeding to domestic pets such as dogs, cats and birds." This means any materials, including alfalfa hay, if intended for use as feed is subject to the provisions of the Commercial Feed Law.

The Commercial Feed Law also addresses when a feed is adulterated. FAC section 15041 defines adulteration of commercial feed as one that 1) bears or contains any poisonous, deleterious, or nonnutritive substance, 2) has any valuable constituent omitted or abstracted or any less valuable substance substituted, 3) composition differs from or quality falls below that represented by its labeling, 4) contains a drug or drugs or other additive that does not conform to good manufacturing practice or to safety,

¹ Corresponding Author: Steven D. Wong, Branch Chief, California Department of Food and Agriculture, Feed, Fertilizer and Livestock Drug Branch, Sacramento, CA 95814

identity and strength represented to possess. The first reason is generally applied to alfalfa hay as contaminants found are pesticide residues, nitrates or mycotoxins.

Although there are various kinds of contaminants that occur on alfalfa hay, many consumers focus their concern on pesticide residues. Tolerances are legal limits of pesticide residues permitted on feed or food. Tolerances or the lack of a tolerance for pesticide residues are established by federal law and found in part 180 of the Code of Federal Regulations. These tolerances are adopted by reference in the California feed regulations. In addition to these, there are some tolerances that have been established by state regulations. These are listed in CCR sections 2678, 2697 and 2680.

CDFA FEED INSPECTION PROGRAM

The Department's Feed Inspection Program is responsible for the administration and enforcement of the Commercial Feed Law. This program is funded through a tax paid by licensees based on the tons of feed sold in the state. Whole grains and baled hay are exempted from this tax. Although producers and distributors of whole grains and baled hay are subject to other provisions of the law such as licensing and labeling, the Department's policy has been not to apply these requirements to baled hay as an extension of the inspection tonnage tax exemption.

There is by statute an advisory board appointed by the Director to advise the Department with establishing policies to administer the inspection of feed. The advisory board's concern for feed safety resulted in the appointment of a committee to determine the extent which the feed inspection program should be involved in feed safety testing.

The feed inspection program conducts inspection, sampling and testing of feed to determine if products are correctly labeled and meet nutritional guarantees represented by labeling. In addition to these activities, the program investigates complaints about commercial feed. It is through complaints that the Feed Inspection Program becomes involved with alfalfa hay. About 85 percent of feed complaints are concerning baled hay, most of which involve alfalfa hay. These complaints are usually associated with poor animal growth performance, illness or deaths. Sampling and testing of alfalfa hay in complaint cases have found relatively few contaminants to support the above anomalies. Botulism, nitrates, noxious weeds and pesticide residues have been implicated in past cases.

Since baled alfalfa hay is, by definition, a commercial feed, enforcement actions are taken to prevent continued use and distribution of individual lots of hay in violation of pesticide tolerances. These lots are removed from use and distribution, and a procedure developed to a baste hazards of feeding such material or disposal for non feeding purpose.

In addition to the above, information from complaint investigations involving pesticide residues are referred to the former CDFA Pesticide

Enforcement Branch. This program, now in the Department of Pesticide Regulation under California Environmental Protection Agency, may conduct investigation to determine the cause of the pesticide residue overtolerance.

FEED SAFETY

The concern for feed safety has the aforementioned Feed Safety Committee to recommend to the advisory board that a study be conducted in 1991 to determine the extent of contaminants occurring on baled hay. The board in turn forwarded this recommendation to the Department's FFLD Branch. The Branch began a study in the spring of the year when first cutting hay harvest started. The study is still in progress. Although complete results are pending, some samples have shown pesticide residue overtolerances and some nitrate levels of concern. The committee expects to meet at the end of this year to evaluate the study findings.

SUMMARY

The Commercial Feed Law was enacted to protect the feed and feeding industry by assuring feed quality for the production of food. Alfalfa hay is a major feed for livestock, which is regulated to a limited extent under the Commercial Feed Law. The importance of feed safety and ultimately food safety is paramount to the livestock producer. Contaminants in feed have great potential to cause severe impacts on livestock production and the resulting food products. All parties, whether private or government have responsibility in protecting the production of food. The Department will continue to investigate consumer complaints on baled hay and violations will be issued for contaminant over tolerance. There may be a need to monitor baled alfalfa hay and other feed sources beyond the consumer complaint investigation.