

Comments

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§61-5 references W. Va Code §19-14-2.C which defines the term “commercial feed” and contains an exemption for “whole or unprocessed seeds that are not chemically changed or adulterated”. Unfortunately, this definition of commercial feed will result in the imposition of unnecessary regulation, documentation and financial burden to be applied to the handling of grain byproduct for distilleries and breweries throughout the state.

Spent grain is a completely natural byproduct of fermentation and is not preserved or adulterated in any way however, the action of dissolving starches and other water soluble organic compounds from grain does result in a chemical change and is generally considered processing. When fed to livestock this technically classifies grain as a commercial feed and subjects companies that already comply with human food safety requirements to redundant standards that impose cost without adding value for food or feed safety.

The FDA reports that there are no documented cases of negative effects from the use of spent grain by farm as a sustainable supplement to animal feed; as such, they have decided to not regulate its use at the federal level. Therefore, we encourage the West Virginia Department of Agriculture to modify the definition of commercial feed to exclude the grain byproduct of fermentation.