



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (August 2017) (Implements RCW 34.05.360)

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STATE OF WASHINGTON
FILED

DATE: June 06, 2025

TIME: 11:01 AM

WSR 25-13-018

Agency: Dept. of Agriculture

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: This rule making order amends chapter 16-250 WAC, Commercial Feed and chapter 16-252 WAC, Commercial Feed – Pet Food and Specialty Pet Food, in the following ways:

Chapter 16-250 WAC, Commercial Rules:

- Adopting the 2025 version of the Association of American Feed Control Officials (AAFCO) Official Publication (OP), clarifying areas of the rule regarding livestock feed and including additional categories of product types that were previously absent;
- Adopting the January 1, 2025 version of regulations under the Food, Drug and Cosmetic Act and 21 U.S.C._301;
- Adding a definition and clarification for bona fide experimental feed;
- Clarifying information about submitting tonnage reports, including using forms prescribed by the Department to submit the reports, establishing that reports without fees may be submitted electronically, and providing a link to where the forms can be found on the Department’s website; and
- Adding a section that establishes the process to request refunds and the timeframe that the Department will issue the refund, once the request has been approved.

Chapter 16-252 WAC, Commercial Feed Rules-Pet Food and Specialty Pet Food:

- Adopting the 2025 version of the AAFCO OP, which includes language regarding Pet Food Label Modernization (PFLM) including but not limited to:
 - o The requirements and formatting of pet and specialty pet food labels to be more familiar to consumers by mirroring human food labels to increase quick and consistent consumer understanding and transparency of the label;
 - o Adding definitions for “Daily Food,” “Familial Household Unit,” “Food Mixer,” “Food Supplement,” “Pet Nutrition Facts,” “Specialty Pet Nutrition Facts,” and “Veterinary Diet;” and
 - o Allowing for a discretionary enforcement period to implement the labeling changes required by the amended rule.
- Adopting the January 1, 2025 version of regulations under the Food, Drug and Cosmetic Act and 21 U.S.C._ 301;
- Clarifying information about submitting tonnage reports, including using forms prescribed by the Department to submit the reports, establishing that reports without fees may be submitted electronically, and providing a link to where the forms can be found on the Department’s website; and
- Adding a section that establishes the process to request refunds and the timeframe that the Department will issue the refund, once the request has been approved.

Citation of rules affected by this order:

New: WAC 16-250-200, WAC 16-252-054, WAC 16-252-125, WAC 16-252-185
 Repealed: WAC 16-252-036.
 Amended: WAC 16-250-004, -006, -008, -012, -014, -036, -044, -064, -078, -082, -094, -136, -166, -178, -182, -194
 WAC 16-252-002, -004, -006, -008, -012, -024, -044, -064, -094, -106, -118, -121, -122, -136, -148, -164, -178, -182, -194
 Suspended: .

Statutory authority for adoption: RCW 15.53.9012

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 25-09-024 on 04/07/2025 (date).

Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted in the agency's own initiative:

New	<u>3</u>	Amended	<u>35</u>	Repealed	<u>1</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>3</u>	Amended	<u>35</u>	Repealed	<u>1</u>
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date adopted: 06/06/2025

Name: Derek I. Sandison

Title: Director

Signature:



AMENDATORY SECTION (Amending WSR 18-21-191, filed 10/24/18, effective 11/24/18)

WAC 16-250-004 Applicability. (1) This chapter applies to commercial feed as defined in RCW 15.53.901 which includes, but is not limited to, food for beef cattle, dairy cattle, equine, goats and sheep, chickens and turkeys, ducks and geese, fish, rabbits, and swine.

(2) Pet food for dogs (*Canis familiaris*), cats (*Felis catus*), and specialty pet food for any animal normally maintained in a household such as, but not limited to, rodents, ornamental birds, ornamental fish, reptiles and amphibians, ferrets, hedgehogs, marsupials, and rabbits not raised for food or fur are regulated under chapter 16-252 WAC.

(3) Processed animal waste as a commercial feed is regulated under chapter 16-256 WAC.

(4) If adulterated under RCW 15.53.902 for some but not all purposes, the following commodities are subject to the requirements of this chapter. If unadulterated, the following commodities are exempt from the requirements of this chapter.

(a) Unmixed whole seeds and physically altered entire unmixed seeds when such seeds are not chemically changed.

(b) Raw meat, hay, loose salt, straw, stover, silage, cobs, husks, and hulls when such commodities are not ground, mixed or blended, or intermixed with other materials.

AMENDATORY SECTION (Amending WSR 18-21-191, filed 10/24/18, effective 11/24/18)

WAC 16-250-006 Adoption of federal regulations and national consensus codes—Order of precedence. (1) Adoption of regulations under the Federal Food, Drug and Cosmetic Act in this chapter is of the version effective (~~(February 9, 2017)~~) January 1, 2025, and 21 U.S.C. 301 et seq., in this chapter is adoption of the version effective (~~(September 27, 2017)~~) January 1, 2025.

(2) Adoption of provisions under the Association of American Feed Control Officials (AAFCO) *Official Publication* in this chapter is adoption of the provisions in the (~~(2018)~~) 2025 edition.

(3) If there is conflict between this chapter, chapter 15.53 RCW, adopted federal regulations, and adopted AAFCO provisions, the conflict must be resolved by giving precedence in the following order:

- (a) Adopted federal regulations;
- (b) Chapter 15.53 RCW;
- (c) This chapter; and
- (d) Adopted AAFCO provisions.

WAC 16-250-008 Definitions and terms. (1) Definitions and terms in this chapter as well as those defined in chapter 15.53 RCW are mostly shown in capitalized letters to indicate they are specifically defined.

(2) The department adopts the Official Feed Terms and the Official Common and Usual Names and Definitions of Feed Ingredients in the AAFCO Official Publication or Common Food Index as referenced in WAC 16-250-064.

~~((2))~~ (3) In addition, the following definitions apply to this chapter:

(a) "BONA FIDE EXPERIMENTAL FEED" means a feed of which research is being conducted to determine the safety and efficacy to create a new or re-defined commercial feed definition as required by WAC 16-250-064 and 16-250-094.

~~("Dehydrated grass meal")~~ (b) "DEHYDRATED GRASS MEAL" means the aerial portion of a grass plant that is:

~~((a))~~ (i) Cut before the formation of seed;

~~((b))~~ (ii) Reasonably free of other crop plants, weeds, and mold;

~~((c))~~ (iii) Finely ground; and

~~((d))~~ (iv) Dried by artificial thermal means.

~~("Grain mixture feed")~~ (c) "DISTRESSED COMMERCIAL FEED" means commercial feed in distribution that is no longer available for retail sale. Examples of acceptable distressed commercial feed include, but are not limited to, torn bags or past its quality sell-by date.

(d) "GRAIN MIXTURE FEED" means mixed or intermixed whole or physically altered grains that:

~~((a))~~ (i) Are not chemically altered;

~~((b))~~ (ii) May or may not contain molasses; and

~~((c))~~ (iii) Except for molasses, contain no other additives.

~~("Grass seed by products meal or pellets")~~ (e) "GRASS SEED BY-PRODUCTS MEAL OR PELLETS" means a ground product consisting of light and broken seeds, hulls, chaff, straw, and some weed seeds but excluding sand, dirt, and heavy weed seeds.

~~("Grass seed screenings meal or pellets")~~ (f) "GRASS SEED SCREENINGS MEAL OR PELLETS" means a product comprised chiefly of hulls obtained from the cleaning of various grass seeds.

(g) "GUARANTEE" means a listing of specified nutrients or nonnutritive substances contained in a commercial feed that the ((manufacturer or distributor)) GUARANTOR named on the ((label)) LABEL warrants.

~~("Guaranteed analysis")~~ (h) "GUARANTEED ANALYSIS" means a listing of the minimum((7)) and/or maximum ((or both minimum and maximum)) concentrations of specified nutrients contained in a commercial feed that the ((manufacturer or distributor)) GUARANTOR named on the ((label)) LABEL warrants. Both minimum and maximum concentrations of specified nutrients contained in a commercial feed are stated on an "as is" basis rather than on a ((one hundred)) 100 percent moisture free" basis in units specified by ((these rules)) this chapter.

(i) "GUARANTOR" means any person whose name appears on the ((label)) LABEL of a commercial feed, feed such as a manufacturer or distributor, and is responsible for:

~~((a))~~ (i) Product/~~((label))~~ LABELING information that is not misleading or misbranded; and
~~((b))~~ (ii) Compliance with product/~~((label))~~ LABELING information and all applicable rules and regulation; and
~~((c))~~ (iii) Licensing the facility that distributes in/into the state.

~~("Ingredient statement")~~ (j) "INGREDIENT STATEMENT" means a ~~((collective and))~~ contiguous listing on the ~~((label))~~ LABEL of all ingredients of which the commercial feed is composed.

~~("Label")~~ (k) "LABEL" means a display of written, printed, or graphic matter upon or affixed to the container in which a commercial feed is distributed, or on the invoice or delivery slip with which a bulk commercial feed is distributed. This includes statements and promotions on company websites or other internet-based customer interfaces.

~~("Labeling")~~ (l) "LABELING" means all ~~((labels))~~ LABELS and other written, printed, or graphic matter upon a commercial feed or any of its containers or wrappers, or accompanying such commercial feed. This includes statements and promotions on company websites or other internet-based customer interfaces.

~~("Lot identifier")~~ (m) "LOT IDENTIFIER" means a unique identifier for each lot, batch or production run that enables the manufacturer to accurately trace the complete manufacturing and distribution history of the product. A ~~((lot identifier))~~ LOT IDENTIFIER is an individual lot, batch or production run number, code, date, or other suitable identification applied to the ~~((label))~~ LABEL, container, or package. In the case of bulk feed, the ~~((lot identifier))~~ LOT IDENTIFIER is on a ~~((label))~~ LABEL, invoice, or shipping document accompanying the feed.

~~("Net weight")~~ (n) "NET WEIGHT" means the weight of a commodity excluding any materials, substances, or items not considered to be part of the commodity. Examples of materials, substances, or items not considered to be part of a commodity include, but are not limited to, containers, conveyances, bags, wrappers, packaging materials, ~~((labels))~~ LABELS, individual piece coverings, decorative accompaniments, and coupons. (See RCW 19.94.010 (1)(i).)

~~("Nutritionally adequate")~~ (o) "NUTRITIONALLY ADEQUATE" or "nutritionally suitable" means the commercial feed, when fed according to directions on the ~~((label))~~ LABEL, will meet the nutritional requirements of the class of animals for which the feed was manufactured.

~~("Nutritionally suitable" means nutritionally adequate.~~

~~"Pea bran")~~ (p) "PEA BRAN" means a product consisting primarily of the various components from a pea splitting operation. ~~((Pea bran))~~ PEA BRAN must contain at least ~~((ten))~~ 10 percent crude protein and not more than ~~((thirty-eight))~~ 38 percent crude fiber.

~~("Pea by-products meal")~~ (q) "PEA BY-PRODUCTS MEAL" means a product containing light and broken peas, and offal from pea cleaning, which includes chips, pea powder, pea hulls, and screenings. ~~((Pea by-products meal))~~ PEA BY-PRODUCTS MEAL must contain at least ~~((fifteen))~~ 15 percent crude protein and not more than ~~((thirty))~~ 30 percent crude fiber.

~~("Pea meal")~~ (r) "PEA MEAL" means a pea product resulting from the grinding of whole peas that are reasonably free of other crop seeds, weeds, and mold. ~~((Pea meal))~~ PEA MEAL must contain at least ~~((twenty))~~ 20 percent crude protein and not more than eight percent crude fiber.

~~("Pea screenings meal")~~ (s) "PEA SCREENINGS MEAL" means a product consisting primarily of the various components from the screening and cleaning of peas. ~~((Pea screenings meal))~~ PEA SCREENINGS MEAL must contain

at least ~~((ten))~~ 10 percent crude protein and not more than ~~((thirty-eight))~~ 38 percent crude fiber.

~~((**"Principal display panel"** means the out-facing side of the feed tag, or if no tag, the part of the label that is most likely to be displayed, presented, shown or examined under normal and customary conditions of display for retail sale))~~ (t) "PRINCIPAL DISPLAY PANEL" has the same meaning as described in 21 C.F.R. Part 501.1.

~~((**"Prohibited mammalian protein"**))~~ (u) "PROHIBITED MAMMALIAN PROTEIN" has the same meaning as ((that term is defined)) described in 21 C.F.R. Part (589.2000(a)(1)) 589.2001.

~~((**"Quantity statement"**))~~ (v) "QUANTITY STATEMENT" means the part of the ((label)) LABEL expressing ((net weight)) NET WEIGHT (mass), net volume (liquid or dry) or count.

~~((**"Repackage"**))~~ (w) "REPACKAGE" means taking commercial feed from packages (no larger than ((one hundred)) 100 pounds for dry feed or ((fifty-five)) 55 gallons for liquid feed) and placing it into smaller packages for ((resale)) RESALE.

~~((**"Salvage commercial feed"**))~~ (x) "RESEARCH" means a methodical investigation into a subject.

(y) "SALVAGE COMMERCIAL FEED" means commercial feed still under control of the original manufacturer and will not be offered for ((sale)) SALE at retail. Examples include, but are not limited to, start-up and over-run product, unpelleted commercial feed, specialty pet food fines, and other products not suitable for packaging for retail sale.

~~((**"Sell"**))~~ (z) "SELL" or ((**"sale"**)) "SALE" means all parts of exchanges concerning commercial feed including, but not limited to, advertising, offering, acceptance, dispensing, giving, delivering, serving, bartering, trading, or other supplying, holding for ((sale)) SALE, and preparing for ((sale)) SALE.

AMENDATORY SECTION (Amending WSR 18-21-191, filed 10/24/18, effective 11/24/18)

WAC 16-250-012 ((Label)) LABEL format and LABELING. (1) The department adopts 21 C.F.R. Part 501 - Animal food ~~((labeling))~~ LABELING.

(2) Commercial feed, other than customer-formula feed, shall bear the information prescribed in this section on the ~~((label))~~ LABEL of the product and in the following format:

(a) Product name and brand name, if any, as specified in WAC 16-250-014(1).

(b) If a drug is used, ~~((label))~~ LABEL as specified in WAC 16-250-014(4).

(c) Purpose statement as specified in WAC 16-250-014(5).

(d) ~~((Guaranteed analysis))~~ GUARANTEED ANALYSIS as specified in WAC 16-250-014(6) and 16-250-036.

(e) Feed ingredients as specified in WAC 16-250-014(7) and 16-250-064.

(f) Directions for use and precautionary statements as specified in WAC 16-250-014(8).

(g) Name and principal mailing address, and phone number of manufacturer or persons responsible for distributing the feed as specified in WAC 16-250-014(9).

(h) ~~((Quantity statement))~~ QUANTITY STATEMENT as specified in WAC 16-250-014(10).

(3)(a) The information as required in (2)(a), (b), (c) and (h) of this section must appear in its entirety on the ((~~principal display panel~~)) PRINCIPAL DISPLAY PANEL.

(b) The information as required in (2)(d), (e), (f) and (g) of this section shall be displayed in a prominent place on the feed tag or ((~~label~~)) LABEL, but not necessarily on the ((~~principal display panel~~)) PRINCIPAL DISPLAY PANEL. When a precautionary statement required by WAC 16-250-078 does not appear on the ((~~principal display panel~~)) PRINCIPAL DISPLAY PANEL, it must be referenced on the ((~~principal display panel~~)) PRINCIPAL DISPLAY PANEL with a statement such as "See back of label for precautions."

(4) None of the information required in this section shall be subordinated or obscured by other statements or designs.

(5) Customer-formula feed shall be accompanied with the information prescribed in this chapter using ((~~labels~~)) LABELS, invoice, delivery ticket, or other shipping document bearing the following information:

(a) The name ((~~and~~)), address, and phone number of the manufacturer;

(b) The name and address of the purchaser;

(c) The date of ((~~sale~~)) SALE or delivery;

(d) The customer-formula feed name and brand name, if any; and

(e) The product name and net quantity of each commercial feed and each other ingredient used in the customer-formula feed must be on file at the ((~~plant~~)) facility producing the product. These records do not have to be delivered with the customer-formula feed, but they must be:

(i) Kept on file for at least one year after the date of the last distribution;

(ii) Available to the purchaser, the dealer making the distribution, and the department on request; and

(iii) Meet the ((~~ingredient statement~~)) INGREDIENT STATEMENT requirements in WAC 16-252-064.

(f) The direction for use and precautionary statements as required in WAC 16-250-078 and 16-250-082(1);

(g) If a drug containing product is used:

(i) The purpose of the medication (claim statement);

(ii) The established name of each active drug ingredient and the level of each drug used in the final mixture expressed in accordance with WAC 16-250-036(4); and

(h) The ((~~quantity statement~~)) QUANTITY STATEMENT.

(6) There are no ((~~label~~)) LABEL format requirements for customer-formula feed. However, a ((~~label~~)) LABEL, invoice, delivery ticket or other shipping document containing all of the information required in WAC 16-250-012(5) must:

(a) Accompany all deliveries of bulk or packaged customer-formula feed; and

(b) Be given to the purchaser; or

(c) If the purchaser is not present when the customer-formula feed is delivered, the ((~~label~~)) LABEL, invoice, delivery ticket or other shipping document ((~~may~~)) shall be left with the delivered feed in a place predetermined by the purchaser.

(7) All commercial feed must be ((~~labeled~~)) LABELED with a ((~~lot identifier~~)) conspicuous and clearly readable LOT IDENTIFIER sufficient to allow the manufacturer to accurately trace the complete manufacturing and distribution history of the product, but the ((~~lot identifier~~)) LOT

IDENTIFIER may be separate from the (~~label~~) LABEL information required in WAC 16-250-014.

(8) (~~Labels~~) LABELS must state all required (~~label~~) LABEL information in English. Commercial feed may be additionally (~~labeled~~) LABELLED in other languages if the other language (~~labels~~) LABELS provide the same information as the English version of the (~~label~~) LABEL.

(9) No printed or written material (for example, pictures of animals or birds) of any kind that is misleading, incorrect, or at variance in any respect with the information required on the (~~label may~~) LABEL shall be attached to, appear on, or distributed with commercial feed.

(10) No (~~label may~~) LABEL shall contain statements referring to a competitive product or comparing the properties of a packaged feed to those of a competitive product unless the (~~label~~) LABEL specifically identifies the competitive product.

(11) No LABEL may contain negative statements about a competitive product unless the director determines that such information is beneficial to the product's purchaser.

(12) A personal or commercial endorsement is permitted on a LABEL provided the endorsement is not false or misleading.

(13) The term "organic" (~~may~~) shall not appear on (~~labels~~) LABELS or shipping documents of any commercial feed unless the feed was produced under conditions that comply with the National Organic Standard for the production and handling of organic (~~crops, livestock and processed feed~~) products. The National Organic Standard may be obtained from the department, or on the internet at <http://www.ams.usda.gov/rules-regulations/organic>.

AMENDATORY SECTION (Amending WSR 18-21-191, filed 10/24/18, effective 11/24/18)

WAC 16-250-014 Label information. Commercial feed, other than customer-formula feed, shall be (~~labeled~~) LABELLED with the information prescribed in this section.

(1) Product name and brand name, if any.

(a) The brand or product name must be appropriate for the intended use of the feed and must not be misleading. If the name indicates the feed is made for a specific use, the character of the feed must conform therewith. A commercial feed for a particular animal class, must be suitable for that purpose.

(b) Commercial, registered brand or trade names are not permitted in (~~guarantees~~) GUARANTEES or ingredient listings and may only be used in the product name of feeds produced by or for the firm holding the rights to such a name.

(c) The name of a commercial feed shall not be derived from one or more ingredients of a mixture to the exclusion of other ingredients and shall not be one representing any components of a mixture unless all components are included in the name: Provided, that if any ingredient or combination of ingredients is intended to impart a distinctive characteristic to the product which is of significance to the purchaser, the name of that ingredient or combination of ingredients may be used as a part of the brand name or product name if the ingredients or combination of ingredients is quantitatively (~~guaranteed~~)

GUARANTEED in the ((~~guaranteed analysis~~)) GUARANTEED ANALYSIS, and the brand or product name is not otherwise false or misleading.

(d) The word "protein" shall not be permitted in the product name of a feed that contains added nonprotein nitrogen.

(e) When the name carries a percentage value, it shall be understood to signify protein and/or equivalent protein content only, even though it may not explicitly modify the percentage with the word "protein": Provided, that other percentage values may be permitted if they are followed by the proper description and conform to good ((~~labeling~~)) LABELING practice. Digital numbers shall not be used in such a manner as to be misleading or confusing to the customer.

(f) Single ingredient feeds shall have a product name in accordance with the designated definition of feed ingredients as recognized by the Association of American Feed Control Officials unless the department designates otherwise.

(g) The word "vitamin," or a contraction thereof, or any word suggesting vitamin can be used only in the name of a feed which is represented to be a vitamin supplement, and which is ((~~labeled~~)) LABELED with the minimum content of each vitamin declared, as specified in WAC 16-250-036(3).

(h) The term "mineralized" shall not be used in the name of a feed except for "TRACE MINERALIZED SALT." When so used, the product must contain significant amounts of trace minerals which are recognized as essential for animal nutrition.

(i) The term "meat" and "meat by-products" shall be qualified to designate the animal from which the meat and meat by-products is derived unless the meat and meat by-products are made from cattle, swine, sheep and/or goats.

(j) If the commercial feed consists of raw milk, the words, "Raw (blank) Milk" shall appear conspicuously on the ((~~principal display panel~~)) PRINCIPAL DISPLAY PANEL. (Blank is to be completed by using the species of animal from which the raw milk is collected.)

(2) Commercial feed must be considered a distinct brand if it differs in ((~~guaranteed analysis~~)) GUARANTEED ANALYSIS, trademark name, or any other characteristic method of marking. However, this requirement does not prevent a brand from being distributed in various physical forms.

(3) If the brand name contains either a percentage value that signifies crude protein or the word "protein," then the feed must contain no more than one and one-quarter percent nonprotein nitrogen.

(4) If a drug is used, the following shall appear on the ((~~label~~)) LABEL:

(a) The word "medicated" directly following and below the product name in a type size no smaller than one-half the type size of the product name.

(b) Purpose statement as required in subsection (5) of this section.

(c) The purpose of medication (claim statement).

(d) An active ((~~ingredient statement~~)) INGREDIENT STATEMENT listing the active drug ingredients by their established name and the amounts in accordance with WAC 16-250-036(4).

(5) Purpose statement:

(a) The purpose statement shall contain the specific species and animal class(es) for which the feed is intended as defined in subsection (6) of this section.

(b) The manufacturer shall have flexibility in describing in more specific and common language the defined animal class, species and

purpose while being consistent with the category of animal class defined in subsection (6) of this section which may include, but is not limited to, weight range(s), sex, or ages of the animal(s) for which the feed is manufactured.

(c) The purpose statement may be excluded from the ~~((label))~~ LABEL if the product name includes a description of the species and animal class(es) for which the product is intended.

(d) The purpose statement of a premix for the manufacture of feed may exclude the animal class and species and state "For Further Manufacture of Feed" if the nutrients contained in the premix are ~~((guaranteed))~~ GUARANTEED and sufficient for formulation into various animal species feeds and premix specifications are provided by the end user of the premix. This section is applicable to commercial feeds regulated under subsection (6)(k) of this section.

(e) The purpose statement of a single purpose ingredient blend, such as a blend of animal protein products, milk products, fat products, roughage products or molasses products may exclude the animal class and species and state "For Further Manufacture of Feed" if the ~~((label-guarantees))~~ LABEL GUARANTEES of the nutrients contained in the single purpose nutrient blend are sufficient to provide for formulation into various animal species feeds. This section is applicable to commercial feeds regulated under subsection (6)(k) of this section.

(f) The purpose statement of a product shall include a statement of enzyme functionality if enzymatic activity is represented in any manner.

(g) The ~~((statement-of))~~ purpose statement for single ingredient feeds shall be stated as "Single Ingredient Feed" or "Feed Ingredient." The manufacturer of a single ingredient feed or feed ingredient shall have flexibility in describing in more specific and common language the intended use of the feed ingredient dependent on species and class.

(h) The purpose statement of a feed intended as a treat for a designated species (exclusive of pets and specialty pets) shall include the words "treat" or "snack" and the intended species conspicuously on the PRINCIPAL DISPLAY PANEL.

(6) ~~((Guarantees))~~ GUARANTEES - Crude protein, equivalent crude protein from nonprotein nitrogen, amino acids, crude fat, crude fiber, acid detergent fiber, neutral detergent fiber, calcium, phosphorus, salt and sodium shall be the sequence of nutritional ~~((guarantees))~~ GUARANTEES when such ~~((guarantee))~~ GUARANTEE is stated. Other required and voluntary ~~((guarantees))~~ GUARANTEES should follow in a general format such that the units of measure used to express ~~((guarantees))~~ GUARANTEES (percentage, parts per million, International Units, etc.) are listed in a sequence that provides a consistent grouping of the units of measure. Individual nutrient ~~((guarantees))~~ GUARANTEES are not required if listed as exempt in (l) of this subsection.

(a) Required ~~((guarantees))~~ GUARANTEES for swine formula feeds.

(i) Animal classes:

Swine	
Class	Approximate Size
Prestarter	2 to 11 pounds
Starter	11 to 44 pounds
Grower	44 to 110 pounds
Finisher	110 pounds to market weight

Swine	
Gilts, sows and adult boars	None specified
Lactating gilts and sows	None specified

(ii) (~~Guaranteed analysis~~) GUARANTEED ANALYSIS for swine complete feeds and supplements (all animal classes) must include the following nutrients on the (~~label~~) LABEL in the order listed below:

Swine Complete Feeds and Supplements
Nutrients
<ul style="list-style-type: none"> • Minimum percentage of crude protein; • Minimum percentage of lysine; • Minimum percentage of crude fat; • Maximum percentage of crude fiber; • Minimum and maximum percentage of calcium; • Minimum percentage of phosphorus; • Minimum and maximum percentage of salt (if added); • Minimum and maximum percentage of total sodium shall be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee; • Minimum selenium in parts per million (ppm).

(b) Required (~~guarantees~~) GUARANTEES for formula poultry feeds (broilers, layers and turkeys).

(i) Animal classes:

Layers (chickens that are grown to produce eggs for food, e.g., table eggs)	
Classes	Approximate Age
Starting/growing	From day of hatch to approximately 10 weeks of age.
Finisher	From approximately 10 weeks of age to time first egg is produced. (Approximately 20 weeks of age).
Laying	From time first egg is laid throughout the time of egg production.
Breeders (chickens that produce fertile eggs for hatch replacement layers to produce eggs for food, table eggs)	From time first egg is laid throughout their productive cycle.

Broilers (chickens that are grown for human food)	
Classes	Approximate Age
Starting/growing	From day of hatch to approximately 5 weeks of age.
Finisher	From approximately 5 weeks of age to market, (42 to 52 days).

Broilers (chickens that are grown for human food)	
Classes	Approximate Age
Breeders (hybrid strains of chickens whose offspring are grown for human food - Broilers)	Any age and either sex.

Broiler, Breeders (chickens whose offspring are grown for human food)	
Classes	Approximate Age
Starting/growing	From day of hatch until approximately 10 weeks of age.
Finishing	From approximately 10 weeks of age to time first egg is produced, approximately 20 weeks of age.
Laying (fertile egg producing chickens - Broilers/roasters)	From day of first egg throughout the time fertile eggs are produced.

Turkeys		
Classes	Purpose	Approximate Age
Starting/ growing	Turkeys that are grown for human food.	Females - From day of hatch to approximately 13 weeks of age.
		Males - From day of hatch to approximately 16 weeks of age.
Finisher	Turkeys that are grown for human food.	Females - From approximately 13 weeks of age to approximately 17 weeks of age.
		Males - From 16 weeks of age to 20 weeks of age, (or desired market weight).
Laying	Female turkeys that are producing eggs.	From time first egg is produced, throughout the time they are producing eggs.
Breeder	Turkeys that are grown to produce fertile eggs.	Both sexes - From day of hatch to time first egg is produced (approximately 30 weeks of age).

(ii) (~~Guaranteed analysis~~) GUARANTEED ANALYSIS for poultry complete feeds and supplements (all animal classes) must include the following nutrients on the (~~label~~) LABEL in the order listed below:

Poultry Complete Feeds and Supplements
Nutrients
<ul style="list-style-type: none"> • Minimum percentage of crude protein; • Minimum percentage of lysine; • Minimum percentage of methionine; • Maximum percentage of crude fat; • Maximum percentage of crude fiber; • Minimum and maximum percentage of calcium; • Minimum percentage of phosphorus; • Minimum and maximum percentage of salt (if added); • Minimum and maximum percentage of total sodium shall be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee.

(c) Required ~~((guarantees))~~ GUARANTEES for beef cattle formula feeds.

(i) Animal classes:

Beef Cattle	
Classes	Production Stage
Calves	Birth to weaning.
Cattle on pasture	May be specific as to production stage; e.g., stocker, feeder, replacement heifers, brood cows, bulls, etc.
Feedlot cattle	Not specified.

(ii) ~~((Guaranteed analysis))~~ GUARANTEED ANALYSIS for beef complete feeds and supplements (all animal classes) must include the following nutrients on the ~~((label))~~ LABEL in the order listed below:

Beef Complete Feeds and Supplements
Nutrients
<ul style="list-style-type: none"> • Minimum percentage of crude protein; • Maximum percentage of equivalent crude protein from nonprotein nitrogen (NPN) when added; • Minimum percentage of crude fat; • Maximum percentage of crude fiber; • Minimum and maximum percentage of calcium; • Minimum percentage of phosphorus; • Minimum and maximum percentage of salt (if added); • Minimum and maximum percentage of total sodium shall be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee; • Minimum percentage of potassium; • Minimum vitamin A, other than precursors of vitamin A, in International Units per pound (if added).

(iii) ~~((Guaranteed analysis))~~ GUARANTEED ANALYSIS for beef mineral feeds must include the following nutrients (if added) on the ~~((label))~~ LABEL in the order listed below (all animal classes):

Beef Mineral Feeds
Nutrients
<ul style="list-style-type: none"> • Minimum and maximum percentage calcium;

Beef Mineral Feeds
Nutrients
<ul style="list-style-type: none"> • Minimum percentage of phosphorus; • Minimum and maximum percentage of salt; • Minimum and maximum percentage of total sodium shall be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee; • Minimum percentage of magnesium; • Minimum percentage of potassium; • Minimum copper in parts per million (ppm); • Minimum selenium in parts per million (ppm); • Minimum zinc in parts per million (ppm); • Minimum vitamin A, other than precursors of vitamin A, in International Units per pound.

(d) Required (~~(guarantees)~~) GUARANTEES for dairy formula feeds.

(i) Animal classes:

Dairy
Classes
Veal milk replacer
Herd milk replacer
Starter
Nonlactating dairy cattle: Replacement dairy heifers, dairy bulls and dairy calves
Lactating dairy cows
Dry dairy cows

(ii) (~~(Guaranteed analysis)~~) GUARANTEED ANALYSIS for veal and herd replacement milk replacer must include the following nutrients on the (~~(label)~~) LABEL in the order listed below:

Veal and Herd Replacement Milk Replacer
Nutrients
<ul style="list-style-type: none"> • Minimum percentage crude protein; • Minimum percentage crude fat; • Maximum percentage of crude fiber; • Minimum and maximum percentage calcium; • Minimum percentage of phosphorus; • Minimum vitamin A, other than precursors of vitamin A, in International Units per pound (if added).

(iii) (~~(Guaranteed analysis)~~) GUARANTEED ANALYSIS for dairy cattle complete feeds and supplements must include the following nutrients on the (~~(label)~~) LABEL in the order listed below:

Dairy Cattle Complete Feeds and Supplements
Nutrients
<ul style="list-style-type: none"> • Minimum percentage of crude protein; • Maximum percentage of equivalent crude protein from nonprotein nitrogen (NPN) when added; • Minimum percentage of crude fat; • Maximum percentage of crude fiber; • Maximum percentage of acid detergent fiber (ADF);

Dairy Cattle Complete Feeds and Supplements
Nutrients
<ul style="list-style-type: none"> • Minimum and maximum percentage of calcium; • Minimum percentage of phosphorus; • Minimum selenium in parts per million (ppm); • Minimum vitamin A, other than precursors of vitamin A, in International Units per pound (if added).

(iv) (~~Guaranteed analysis~~) GUARANTEED ANALYSIS for dairy mixing and pasture mineral feeds must include the following nutrients (if added) on the (~~label~~) LABEL in the order listed below:

Dairy Mixing and Pasture Mineral Feeds
Nutrients
<ul style="list-style-type: none"> • Minimum and maximum percentage of calcium; • Minimum percentage of phosphorus; • Minimum and maximum percentage of salt; • Minimum and maximum percentage of total sodium shall be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee; • Minimum percentage of magnesium; • Minimum percentage of potassium; • Minimum selenium in parts per million (ppm); • Minimum vitamin A, other than the precursors of vitamin A, in International Units per pound.

(e) Required (~~guarantees~~) GUARANTEES for equine formula feeds.

(i) Animal classes:

Equine
Classes
Growing
Broodmare
Maintenance
Performance (including stallions)

(ii) (~~Guaranteed analysis~~) GUARANTEED ANALYSIS for equine complete feeds and supplements (all animal classes) must include the following nutrients on the (~~label~~) LABEL in the order listed below:

Equine Complete Feeds and Supplements
Nutrients
<ul style="list-style-type: none"> • Minimum percentage of crude protein; • Minimum percentage of crude fat; • Maximum percentage of crude fiber; • Maximum percentage of acid detergent fiber (ADF); • Maximum percentage of neutral detergent fiber (NDF); • Minimum and maximum percentage of calcium; • Minimum percentage of phosphorus; • Minimum copper in parts per million (ppm) (if added); • Minimum selenium in parts per million (ppm); • Minimum zinc in parts per million (ppm); • Minimum vitamin A, other than the precursors of vitamin A, in International Units per pound (if added).

(iii) (~~Guaranteed analysis~~) GUARANTEED ANALYSIS for equine mineral feeds (all animal classes) must include the following nutrients on the (~~label~~) LABEL in the order listed below:

Equine Mineral Feeds
Nutrients
<ul style="list-style-type: none"> • Minimum and maximum percentage of calcium; • Minimum percentage of phosphorus; • Minimum and maximum percentage of salt (if added); • Minimum and maximum percentage of sodium; • Minimum copper in parts per million (ppm) (if added); • Minimum selenium in parts per million (ppm); • Minimum zinc in parts per million (ppm); • Minimum vitamin A, other than precursors of vitamin A, in International Units per pound (if added).

(f) Required (~~guarantees~~) GUARANTEES for goat formula feeds.
 (i) Animal classes:

Goats
Classes
Starter
Grower
Finisher
Breeder
Lactating

(ii) (~~Guaranteed analysis~~) GUARANTEED ANALYSIS for goat complete feeds and supplements (all animal classes) must include the following nutrients on the (~~label~~) LABEL in the order listed below:

Goat Complete Feeds and Supplements
Nutrients
<ul style="list-style-type: none"> • Minimum percentage of crude protein; • Maximum percentage of equivalent crude protein from nonprotein nitrogen (NPN) when added; • Minimum percentage of crude fat; • Maximum percentage of crude fiber; • Maximum percentage of acid detergent fiber; • Minimum and maximum percentage of calcium; • Minimum percentage of phosphorus; • Minimum and maximum percentage of salt (if added); • Minimum and maximum percentage of total sodium shall be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee; • Minimum and maximum copper in parts per million (ppm) (if added); • Minimum selenium in parts per million (ppm); • Minimum vitamin A, other than precursors of vitamin A, in International Units per pound (if added).

(g) Required (~~guarantees~~) GUARANTEES for sheep formula feeds.
 (i) Animal classes:

Sheep
Classes
Starter
Grower
Finisher
Breeder
Lactating

(ii) ~~((Guaranteed analysis))~~ GUARANTEED ANALYSIS for sheep complete feeds and supplements (all animal classes) must include the following nutrients on the ~~((label))~~ LABEL in the order listed below:

Sheep Complete Feeds and Supplements
Nutrients
<ul style="list-style-type: none"> • Minimum percentage of crude protein; • Maximum percentage of equivalent crude protein from nonprotein nitrogen (NPN) when added; • Minimum percentage of crude fat; • Maximum percentage of crude fiber; • Minimum and maximum percentage of calcium; • Minimum percentage of phosphorus; • Minimum and maximum percentage of salt (if added); • Minimum and maximum percentage of total sodium shall be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee; • Minimum and maximum copper in parts per million (ppm) (if added, or if total copper exceeds 20 ppm); • Minimum selenium in parts per million (ppm); • Minimum vitamin A, other than precursors of vitamin A, in International Units per pound (if added).

(h) Required ~~((guarantees))~~ GUARANTEES for duck and geese formula feeds.

(i) Animal classes:

Ducks	
Classes	Approximate Age
Starter	0 to 3 weeks of age
Grower	3 to 6 weeks of age
Finisher	6 weeks to market
Breeder Developer	8 to 19 weeks of age
Breeder	22 weeks to end of lay

Geese	
Classes	Approximate Age
Starter	0 to 4 weeks of age
Grower	4 to 8 weeks of age
Finisher	8 weeks to market
Breeder Developer	10 to 22 weeks of age
Breeder	22 weeks to end of lay

(ii) ~~((Guaranteed analysis))~~ GUARANTEED ANALYSIS for duck and geese complete feeds and supplements (for all animal classes) must include

the following nutrients on the ((~~label~~)) LABEL in the order listed below:

Duck and Geese Complete Feeds and Supplements
Nutrients
<ul style="list-style-type: none"> • Minimum percentage of crude protein; • Minimum percentage of crude fat; • Maximum percentage of crude fiber; • Minimum and maximum percentage of calcium; • Minimum percentage of phosphorus; • Minimum and maximum percentage of salt (if added); • Minimum and maximum percentage of total sodium shall be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee.

(i) Required ((~~guarantees~~)) GUARANTEES for fish complete feeds and supplements must include the following nutrients on the ((~~label~~)) LABEL in the order listed below must include the following nutrients on the ((~~label~~)) LABEL in the order listed below:

Animal species shall be declared in lieu of animal class:

Fish
Species
Trout
Catfish
Species other than trout or catfish
Fish Complete Feeds and Supplements
Nutrients
<ul style="list-style-type: none"> • Minimum percentage of crude protein; • Minimum percentage of crude fat; • Maximum percentage of crude fiber; • Minimum percentage of phosphorus.

(j) Required ((~~guarantees~~)) GUARANTEES for rabbit complete feeds and supplements.

(i) Animal classes:

Rabbits (nonspeciality pet)	
Classes	Approximate Age
Grower	4 to 12 weeks of age
Breeder	12 weeks of age and over

(ii) ((~~Guaranteed analysis~~)) GUARANTEED ANALYSIS for rabbit complete feeds and supplements must include the following nutrients on the ((~~label~~)) LABEL in the order listed below:

Rabbit Complete Feeds and Supplements
Nutrients
<ul style="list-style-type: none"> • Minimum percentage of crude protein; • Minimum percentage of crude fat; • Minimum and maximum percentage of crude fiber (the maximum crude fiber shall not exceed the minimum by more than 5.0 units); • Minimum and maximum percentage of calcium; • Minimum percentage of phosphorus;

Rabbit Complete Feeds and Supplements
<p>Nutrients</p> <ul style="list-style-type: none"> • Minimum and maximum percentage of salt (if added); • Minimum and maximum percentage of total sodium shall be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee; • Minimum vitamin A, other than precursors of vitamin A, in International Units per pound (if added).

(k) Required GUARANTEES for treats (all animal classes and species excluding pets and specialty pets):

Nutrients
<ul style="list-style-type: none"> • <u>Minimum percentage of crude protein;</u> • <u>Minimum percentage of crude fat;</u> • <u>Maximum percentage of crude fiber;</u> • <u>Other guarantees, as needed to support nutrient content claims in the labeling as per RCW 15.53.9016 (1)(b), and in accordance with terminology, order of guarantees and units of expression as specified in WAC 16-250-014(6).</u>

(l) The required (~~(guarantees)~~) GUARANTEES of grain mixtures with or without molasses and feeds other than those described in (a) through (j) of this subsection shall include the following items, unless exempted in (~~(+l)~~) (m) of this subsection, in the order listed:

(i) Animal class(es) and species for which the product is intended.

(ii) (~~(Guaranteed analysis)~~) GUARANTEED ANALYSIS must include the following nutrients on the (~~(label)~~) LABEL in the order listed below:

Grain Mixtures
<p>Nutrients</p> <ul style="list-style-type: none"> • Minimum percentage crude protein; • Maximum or minimum percentage of equivalent crude protein from nonprotein nitrogen as required in WAC 16-250-036(5); • Minimum percentage of crude fat; • Maximum percentage of crude fiber; • Minerals in formula feeds, to include in the following order: <ul style="list-style-type: none"> - Minimum and maximum percentage of calcium; - Minimum percentage of phosphorus; - Minimum and maximum percentage of salt (if added); - Minimum and maximum percentage of total sodium shall be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee; - Other minerals. • Minerals in feed ingredients - As specified by the official definitions of the Association of American Feed Control Officials; • Vitamins in such terms as specified in WAC 16-250-036(3); • Total sugars as invert on dried molasses products or products being sold primarily for their sugar content;

- Viable lactic acid producing microorganisms for use in silages in terms specified in WAC 16-250-036(7);
- A commercial feed (e.g., vitamin/mineral premix, base mix, etc.) intended to provide a specialized nutritional source for use in the manufacture of other feeds, must state its intended purpose and guarantee those nutrients relevant to such stated purpose. Article II of AAFCO's "Criteria for Labeling Nutritional Indicators" is not applicable to the label guarantees for these specialized commercial feeds.

~~((1))~~ (m) Exemptions.

(i) A mineral (~~(guarantee)~~) GUARANTEE for feed, excluding those feeds manufactured as complete feeds and for feed supplements intended to be mixed with grain to produce a complete feed for swine, poultry, fish, and veal and herd milk replacers, is not required when:

(A) The feed or feed ingredient is not intended or represented or does not serve as a principal source of that mineral to the animal; or

(B) The feed or feed ingredient is intended for nonfood producing animals and contains less than 6.5 percent total mineral.

(ii) (~~(Guarantees)~~) GUARANTEES for vitamins are not required when the commercial feed is neither formulated for nor represented in any manner as a vitamin supplement.

(iii) (~~(Guarantees)~~) GUARANTEES for crude protein, crude fat, and crude fiber are not required when the commercial feed is intended for purposes other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, such as drug premixes, mineral or vitamin supplements, and molasses.

(iv) (~~(Guarantees)~~) GUARANTEES for microorganisms are not required when the commercial feed is intended for a purpose other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, and no specific (~~(label)~~) LABEL claims are made.

(v) The indication for animal class(es) and species is not required on single ingredient products if the ingredient is not intended, represented, or defined for a specific animal class(es) or species.

(7) Feed ingredients, collective terms for the grouping of feed ingredients, or appropriate statements as provided under the provisions of RCW 15.53.9016 (1)(c).

(a) The name of each ingredient as defined in the official publication of the Association of American Feed Control Officials, common or usual name, or one approved by the department.

(b) Collective terms for the grouping of feed ingredients as defined in the Official Definitions of Feed Ingredients published in the *Official Publication* of the Association of American Feed Control Officials in lieu of the individual ingredients; provided that:

(i) When a collective term for a group of ingredients is used on the (~~(label)~~) LABEL, individual ingredients within that group shall not be listed on the (~~(label)~~) LABEL.

(ii) The manufacturer shall provide the department, upon request, with a list of individual ingredients, within a defined group, that are or have been used at manufacturing facilities distributing in or into the state. These records must be available to the department for inspection and copying for at least two years after the last date of distribution of the commercial feed.

(8) Directions for use and precautionary statements or reference to their location if the detailed feeding directions and precautionary

statements required by WAC 16-250-078 and 16-250-082 appear elsewhere on the ((label)) LABEL.

(9) Name ((and)), principal mailing address, and phone number of the ((manufacturer or person responsible for distributing the feed)) GUARANTOR. The principal mailing address shall include the street address, city, state, zip code; however, the street address may be omitted if it is shown in ((the current city directory or telephone directory)) a readily accessible, widely published, and publicly available resource including, but not limited to, a printed directory, electronic database, or website.

(10) ((Quantity statement)) QUANTITY STATEMENT:

(a) Net quantity shall be declared in terms of weight, liquid measure or count, based on applicable requirements under Section 4 of the Fair Packaging and Labeling Act.

(b) Net quantity ((labeled)) LABELED in terms of weight shall be expressed both in pounds, with any remainder in terms, of ounces or common or decimal fractions of the pound, and in appropriate metric system units; or in the case of liquid measure, both in the largest whole unit (quarts, quarts and pints, or pints, as appropriate) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart, and in appropriate metric system units.

(c) When the declaration of quantity of contents by count does not give adequate information as to the quantity of feed in the container, it shall be combined with such statement of weight, liquid measure, or size of the individual units as will provide such information.

(11) When screenings are added to unmixed by-product feed, the term "screenings" must appear on the ((label)) LABEL:

(a) In the same size of type as the brand name; and

(b) Either as part of or immediately below the brand name.

(12) License applicants and licensees must submit copies of their commercial feed ((labels and labeling)) LABELS and LABELING to the department upon request ((for reasonable cause)).

(13) When a commercial feed contains any ingredient or combination of ingredients for the purpose of imparting a distinct characteristic to the product that is significant to the purchaser, the name of that ingredient or combination of ingredients may be used as part of the brand name or product name if:

(a) The ingredient or combination of ingredients is present in sufficient quantity to impart a distinctive characteristic to the product or is present in amounts which have a material bearing upon the price of the product or upon acceptance of the product by the purchaser thereof; or

(b) It does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients.

AMENDATORY SECTION (Amending WSR 18-21-191, filed 10/24/18, effective 11/24/18)

WAC 16-250-036 Expression of guarantees. (1) The ((guarantees)) GUARANTEES for crude protein, equivalent crude protein from nonprotein nitrogen, lysine, methionine, other amino acids, crude fat, crude fiber and acid detergent fiber shall be in terms of percentage.

(2) Mineral ((guarantees)) GUARANTEES:

(a) When the calcium, salt, and sodium ((guarantees)) GUARANTEES are given in the ((guaranteed analysis)) GUARANTEED ANALYSIS such shall be stated and conform to the following:

(i) When the minimum is below 2.5 percent, the maximum shall not exceed the minimum by more than 0.5 percentage point.

(ii) When the minimum is 2.5 percent but less than 5.0 percent, the maximum shall not exceed the minimum by more than one percentage point.

(iii) When the minimum is 5.0 percent or greater, the maximum shall not exceed the minimum by more than 20 percent of the minimum and in no case shall the maximum exceed the minimum by more than five percentage points.

(b) When stated, ((guarantees)) GUARANTEES for minimum and maximum total sodium, and salt: Minimum potassium, magnesium, sulfur, phosphorus and maximum fluorine shall be in terms of percentage. Other minimum mineral ((guarantees)) GUARANTEES shall be stated in parts per million (ppm) when the concentration is less than 10,000 ppm and in percentage when the concentration is 10,000 ppm (1 percent) or greater.

(c) Products ((labeled)) LABELED with a ((quantity statement)) QUANTITY STATEMENT (e.g., tablets, capsules, granules, or liquids) may state mineral ((guarantees)) GUARANTEES in milligrams (mg) per unit (e.g., tablet, capsule, granule, or liquid) consistent with the ((quantity statement)) QUANTITY STATEMENT and directions for use.

(3) ((Guarantees)) GUARANTEES for minimum vitamin content of commercial feed shall be listed in the order specified and are stated in mg/lb. or in units consistent with those employed for the ((quantity statement)) QUANTITY STATEMENT unless otherwise specified:

(a) Vitamin A, other than precursors of vitamin A, in International Units per pound.

(b) Vitamin D-3 in products offered for poultry feeding, in International Chick Units per pound.

(c) Vitamin D for other uses, International Units per pound.

(d) Vitamin E, in International Units per pound.

(e) Concentrated oils and feed additive premixes containing vitamins A, D and/or E may, at the option of the distributor be stated in units per gram instead of units per pound.

(f) Vitamin B-12, in milligrams or micrograms per pound.

(g) All other vitamin guarantees shall express the vitamin activity in milligrams per pound in terms of the following: Menadione, riboflavin, d-pantothenic acid, thiamine, niacin, vitamin B-6, folic acid, choline, biotin, inositol, p-amino benzoic acid, ascorbic acid, and carotene.

(4) ((Guarantees)) GUARANTEES for drugs shall be stated in terms of percent by weight, except:

(a) Antibiotics, present at less than ((two thousand)) 2,000 grams per ton (total) of commercial feed shall be stated in grams per ton of commercial feed.

(b) Antibiotics present at ((two thousand)) 2,000 or more grams per ton (total) of commercial feed, shall be stated in grams per pound of commercial feed.

(c) ((Labels)) LABELS for commercial feeds containing growth promotion and/or feed efficiency levels of antibiotics, which are to be fed continuously as the sole ration, are not required to make quantitative ((guarantees)) GUARANTEES except as specifically noted in the Federal Food Additive Regulations for certain antibiotics, wherein, quantita-

tive guarantees are required regardless of the level or purpose of the antibiotic.

(d) The term "milligrams per pound" may be used for drugs or antibiotics in those cases where a dosage is given in "milligrams" in the feeding directions.

(5) Commercial feeds containing any added nonprotein nitrogen shall be ~~((labeled))~~ LABELED as follows:

(a) For ruminants:

(i) Complete feeds, supplements, and concentrates containing added nonprotein nitrogen and containing more than 5 percent protein from natural sources shall be ~~((guaranteed))~~ GUARANTEED as follows: Crude protein, minimum, ___ percent (this includes not more than ___ percent equivalent crude protein from nonprotein nitrogen).

(ii) Mixed feed concentrates and supplements containing less than 5 percent protein from natural sources may be ~~((guaranteed))~~ GUARANTEED as follows: Equivalent crude protein from nonprotein nitrogen, minimum, ___ percent.

(iii) Ingredient sources of nonprotein nitrogen such as urea, diammonium phosphate, ammonium polyphosphate solution, ammoniated rice hulls, or other basic nonprotein nitrogen ingredients defined by the Association of American Feed Control Officials shall be ~~((guaranteed))~~ GUARANTEED as follows: Nitrogen, minimum, ___ percent equivalent crude protein from nonprotein nitrogen, minimum, ___ percent.

(b) For nonruminants:

(i) Complete feeds, supplements and concentrates containing crude protein from all forms of nonprotein nitrogen, added as such, shall be ~~((labeled))~~ LABELED as follows: Crude protein, minimum ___ percent (this includes not more than ___ percent equivalent crude protein which is not nutritionally available to species of animal for which feed is intended).

(ii) Premixes, concentrates or supplements intended for nonruminants containing more than 1.25 percent equivalent crude protein from all forms of nonprotein nitrogen, added as such, must contain adequate directions for use and a prominent statement:

WARNING: This feed must be used only in accordance with directions furnished on the label.

(6) Mineral phosphatic materials for feeding purposes shall be ~~((labeled))~~ LABELED with the ~~((guarantee))~~ GUARANTEE for minimum and maximum percentage of calcium (when present), the minimum percentage of phosphorus, and the maximum percentage of fluorine.

(7) ~~((Guarantees))~~ GUARANTEES for microorganisms shall be stated ~~((in))~~ and conform to the following:

(a) Colony forming units per gram (CFU/g) ~~((when))~~ or per pound (CFU/lb.) consistent with the directions ~~((are for using the product in grams, or in colony forming units per pound (CFU/lb.) when directions are for using the product in pounds))~~ for use, or CFU per product unit (e.g., tablets, capsules, liquids) consistent with directions for use and QUANTITY STATEMENT.

(b) A parenthetical statement following the ~~((guarantee))~~ GUARANTEE shall list each species in order of predominance.

(8) ~~((Guarantees))~~ GUARANTEES for enzymes shall be stated ~~((in))~~ and conform to the following:

(a) Units of enzymatic activity per unit weight or volume ~~((r))~~ consistent with ~~((label))~~ LABEL directions for use, or units of enzymatic activity per product unit (e.g., tablets, capsules) consistent with the direction for use and the QUANTITY STATEMENT.

(b) The source organism for each type of enzymatic activity shall be specified, such as: Protease (Bacillus subtilis) 5.5 mg amino acids liberated/min./milligram. If two or more sources have the same type of activity, they shall be listed in order of predominance based on the amount of enzymatic activity provided.

(9) ((Guarantees)) GUARANTEES for dietary starch, sugars, and fructans for commercial feeds, other than customer-formula feed, pet food and specialty pet food products:

(a) A commercial feed which bears on its ((labeling)) LABELING a claim in any manner for levels of "dietary starch," "sugars," "fructans," or words of similar designation, shall include on the ((label)) LABEL:

(i) ((Guarantees)) GUARANTEES for maximum percentage of dietary starch and maximum percentage sugars, in the ((guaranteed-analysis)) GUARANTEED ANALYSIS section immediately following the last fiber ((guarantee)) GUARANTEE.

(ii) A maximum percentage ((guarantee)) GUARANTEE for fructans immediately following sugars, if the feed contains forage products.

(b) When such ((guarantees)) GUARANTEES for dietary starch, sugars or fructans for commercial feeds appear on the ((label)) LABEL, feeding directions shall indicate the proper use of the feed product and a recommendation to consult with a veterinarian or nutritionist for a recommended diet.

(10) The ((labels)) LABELS on commercial feeds such as vitamin/mineral premix and base mix intended as a specialized nutritional source for use in the manufacture of other feeds, must state the intended purpose and ((guarantee)) GUARANTEE that the nutrients are relevant to that purpose.

(11) When approved by the department, ((guarantees)) GUARANTEES may be made for these special feeds even if there are no approved Association of Official Analytical Chemists (AOAC) methods for determining specific nutritional content of these specialized feeds.

(12) The sliding scale method of expressing a ((guaranteed-analysis)) GUARANTEED ANALYSIS on a commercial feed ((label)) LABEL (for example "minimum crude protein 15-18 percent") is prohibited.

(13) Minerals, except salt, when quantitatively ((guaranteed)) GUARANTEED, must be stated in terms of percentage of the element.

(14) ((Guaranteed-analysis)) GUARANTEED ANALYSIS for all grain mixture, with or without molasses, commercial feed must include the following nutrients on the ((label)) LABEL in the order listed:

- (a) Minimum percentage of crude protein;
- (b) Minimum percentage of crude fat; and
- (c) Maximum percentage of crude fiber.

AMENDATORY SECTION (Amending WSR 18-21-191, filed 10/24/18, effective 11/24/18)

WAC 16-250-044 Substantiation of nutritional suitability. (1) A commercial feed, other than a customer-formula feed, shall be nutritionally suitable for its intended purpose as represented by its ((labeling)) LABELING.

(2) If the department has reasonable cause to believe a commercial feed is not nutritionally suitable, the department may request the feed manufacturer to either submit an "affidavit of suitability"

or an alternative procedure acceptable to the department, certifying the nutritional adequacy of the feed. The affidavit of suitability or alternate procedure of suitability shall serve as substantiation of the suitability of the feed.

(3) If an affidavit of suitability, or alternative procedure acceptable to the department, is not submitted by the feed manufacturer within (~~thirty~~) 30 days of written notification, the department may deem the feed adulterated under RCW 15.53.902 and order the feed removed from the marketplace.

(4) The affidavit of suitability shall contain the following information:

(a) The feed company's name;

(b) The feed's product name;

(c) The name and title of the affiant submitting the document;

(d) A statement that the affiant has knowledge of the nutritional content of the feed and based on valid scientific evidence the feed is (~~nutritionally adequate~~) NUTRITIONALLY ADEQUATE for its intended purpose;

(e) The date of submission; and

(f) The signature of the affiant notarized by a certified notary public.

AMENDATORY SECTION (Amending WSR 18-21-191, filed 10/24/18, effective 11/24/18)

WAC 16-250-064 Ingredients. (1) The name of each ingredient or collective term for the grouping of ingredients, when required to be listed, shall be (~~the name as defined in the Official Definitions of Feed Ingredients as published in the AAFCO official publication,~~) the common or usual name (~~, or one~~) and conform to the following:

(a) Is defined:

(i) In the Official Feed Terms, Common or Usual Ingredient Names and Ingredient Definitions as published in the AAFCO Official Publication or Common Food Index; or

(ii) In Title 9 and 31 if the Code of Federal Regulations;

(b) Has been marketed prior to 1958 which are commercially available and suitable for use in animal food (common food for animals may include common human foods that are known to be safe for the intended use; or

(c) Has been approved by the department.

(2) The name of each ingredient must be shown in letters or type of the same size.

(3) No reference to quality or grade of an ingredient shall appear in the (~~ingredient statement~~) INGREDIENT STATEMENT of a feed.

(4) The term "dehydrated" may precede the name of any product that has been artificially dried.

(5) A single ingredient product defined by the Association of American Feed Control Officials is not required to have an (~~ingredient statement~~) INGREDIENT STATEMENT.

(6) Tentative definitions for ingredients shall not be used until adopted as official, unless no official definition exists or the ingredient has a common accepted name that requires no definition, (i.e., sugar).

(7) When the word "iodized" is used in connection with a feed ingredient, the feed ingredient shall contain not less than 0.007 percent iodine, uniformly distributed.

(8) Ingredients on ((~~labels~~)) LABELS must be listed in descending order by weight.

(9) The ((~~ingredient statement~~)) INGREDIENT STATEMENT must not contain commercial, copyrighted, brand, or trade names.

(10) The term "degermed" must precede the name of any product from which germs were wholly or partially removed.

(11) If a drug is used, the drug does not have to be listed in the ((~~ingredient statement~~)) INGREDIENT STATEMENT. However, the drug name is required to be listed on the ((~~label~~)) LABEL.

(12) Each carrier shall be listed in the INGREDIENT STATEMENT on the LABEL unless it meets the criteria for an incidental ingredient (21 C.F.R. 501.100(a)(3)).

AMENDATORY SECTION (Amending WSR 18-21-191, filed 10/24/18, effective 11/24/18)

WAC 16-250-078 Directions for use and precautionary statements.

(1) Directions for use and precautionary statements on the ((~~labeling~~)) LABELING of all commercial feeds and customer-formula feeds containing additives (including drugs, special purpose additives, or non-nutritive additives) shall:

(a) Be adequate to enable safe and effective use for the intended purposes by users with no special knowledge of the purpose and use of such articles; and

(b) Include, but not be limited to, all information described by all applicable regulations adopted under the Federal Food, Drug, and Cosmetic Act.

(2) Adequate directions for use and precautionary statements are required for feeds containing nonprotein nitrogen as specified in WAC 16-250-082.

(3) Adequate directions for use and precautionary statements necessary for safe and effective use are required on commercial feeds distributed to supply particular dietary needs or for supplementing or fortifying the usual diet or ration with any vitamin, mineral, or other dietary nutrient or compound.

(4) Raw milk distributed as a commercial feed shall comply with the provisions under chapters 15.36 and 15.37 RCW. The ((~~label~~)) LABEL shall display the following statements:

"WARNING: NOT FOR HUMAN CONSUMPTION - THIS PRODUCT HAS NOT BEEN PASTEURIZED AND MAY CONTAIN HARMFUL BACTERIA." and "DECHARACTERIZED WITH HARMLESS FOOD COLORING."

(5) The ((~~label~~)) LABEL type size must meet the following:

(a) The name and address of the producer or distributor in letters not less than one-fourth inch in size.

(b) The name of the contents in letters not less than one-fourth inch in size.

(c) The words "WARNING: NOT FOR HUMAN CONSUMPTION - THIS PRODUCT HAS NOT BEEN PASTEURIZED AND MAY CONTAIN HARMFUL BACTERIA." in letters at least one-half inch in size.

(d) The words "DECHARACTERIZED WITH HARMLESS FOOD COLORING." in letters not less than one-fourth inch in size.

AMENDATORY SECTION (Amending WSR 18-21-191, filed 10/24/18, effective 11/24/18)

WAC 16-250-082 Nonprotein nitrogen. (1) Urea and other nonprotein nitrogen products defined in the AAFCO *Official Publication* are acceptable ingredients only in commercial feeds for ruminant animals as a source of equivalent crude protein. If the commercial feed contains more than 8.75 percent of equivalent crude protein from all forms of nonprotein nitrogen, added as such, or the equivalent crude protein from all forms of nonprotein nitrogen, added as such, exceeds one-third of the total crude protein, the ~~((label))~~ LABEL shall bear adequate directions for the safe use of feeds and a precautionary statement: "CAUTION: USE AS DIRECTED." The directions for use and the caution statement shall be in type of such size so placed on the ~~((label))~~ LABEL that they will be read and understood by ordinary persons under customary conditions of purchase and use.

(2) Feeding or use directions for those feeds in which more than 50 percent of the protein content is derived from nonprotein nitrogen sources shall include recommendations as to providing adequate supplies of drinking water, sources of energy, forages being fed, minerals, adaptation ("warm-up") periods and stress conditions when necessary.

(3) Nonprotein nitrogen defined in the AAFCO *Official Publication*, when so indicated, are acceptable ingredients in commercial feeds distributed to nonruminant animals as a source of nutrients other than equivalent crude protein. The maximum equivalent crude protein from nonprotein nitrogen sources when used in nonruminant rations shall not exceed 1.25 percent of the total daily ration.

~~((3))~~ (4) On ~~((labels))~~ LABELS such as those for medicated feeds which bear adequate feeding directions and/or warning statements, the presence of added nonprotein nitrogen shall not require a duplication of the feeding directions or the precautionary statements as long as those statements include sufficient information to ensure the safe and effective use of this product due to the presence of nonprotein nitrogen.

AMENDATORY SECTION (Amending WSR 18-21-191, filed 10/24/18, effective 11/24/18)

WAC 16-250-094 Drug and feed additives. (1) Prior to approval of a ~~((registration))~~ license application and/or approval of a ~~((label))~~ LABEL for commercial feed which contain additives (including drugs, other special purpose additives, or nonnutritive additives), the distributor may be required to submit evidence to prove the safety and efficacy of the commercial feed when used according to the directions furnished on the ~~((label))~~ LABEL.

(2) Satisfactory evidence of safety and efficacy of a commercial feed may be:

(a) When the commercial feed contains such additives, the use of which conforms to the requirements of the applicable regulation in 21 C.F.R., or which are "prior sanctioned" or "informal review sanctioned" or "generally recognized as safe" for such use; or

(b) When the commercial feed is itself a drug and is generally recognized as safe and effective for the (~~labeled~~) LABELED use or is marketed subject to an application approved by the United States Food and Drug Administration under section 512 of the Federal Food, Drug, and Cosmetic Act; or

(c) When one of the purposes for feeding a commercial feed is to impart immunity (that is to act through some immunological process) the constituents imparting immunity have been approved for the purpose through the Federal Virus, Serum and Toxins Act of 1913, as amended; or

(d) When the commercial feed is a direct fed microbial product and:

(i) The product meets the particular fermentation product definition; and

(ii) The microbial content statement, as expressed in the (~~labeling~~) LABELING, is limited to the following: "Contains a source of live (viable) naturally occurring microorganisms." This statement shall appear on the (~~label~~) LABEL; and

(iii) The source is stated with a corresponding (~~guarantee~~) GUARANTEE expressed in accordance with WAC 16-250-036(7).

(e) When the commercial feed is an enzyme product, and:

(i) The product meets the particular enzyme definition defined by (~~the Association of American Feed Control Officials~~) AAFCO; and

(ii) The enzyme is stated with a corresponding (~~guarantee~~) GUARANTEE expressed in accordance with WAC 16-250-036(8).

(3) An artificial color may be used in commercial feed only if it has been shown to be harmless to animals. The department will accept the permanent or provisional listing of an artificial color in the United States Food and Drug Administration regulations as safe for use as satisfactory evidence that the color is harmless to animals provided that the manufacturer's use of the artificial color is consistent with the conditions, limitations, and tolerance prescribed by the federal regulation.

(4) Any feed ingredients or feed product must not contain materials that enhance the natural color of a feed if it conceals inferiorities.

AMENDATORY SECTION (Amending WSR 18-21-191, filed 10/24/18, effective 11/24/18)

WAC 16-250-136 Adulterants. (1) The department adopts 21 C.F.R. Part 589 - Substances prohibited from use in animal food or feed.

(2) For the purpose of RCW 15.53.902, the terms "poisonous substances" or "deleterious substances" include, but are not limited to, the following:

(a) Fluorine and any mineral or mineral mixture which is to be used directly for the feeding of domestic animals and in which the fluorine exceeds 0.20 percent for breeding and dairy cattle; 0.30 percent for slaughter cattle; 0.30 percent for sheep; 0.35 percent for lambs; 0.45 percent for swine; and 0.60 percent for poultry.

(b) Fluorine bearing ingredients when used in such amounts that they raise the fluorine content of the total ration (exclusive of roughage) above the following amounts: 0.004 percent for breeding and dairy cattle; 0.009 percent for slaughter cattle; 0.006 percent for

sheep; 0.01 percent for lambs; 0.015 percent for swine and 0.03 percent for poultry.

(c) Fluorine bearing ingredients incorporated in any feed that is fed directly to cattle, sheep or goats consuming roughage (with or without) limited amounts of grain, that results in a daily fluorine intake in excess of 50 milligrams of fluorine per 100 pounds of body weight.

(d) Soybean meal, flakes or pellets or other vegetable meals, flakes or pellets which have been extracted with trichlorethylene or other chlorinated solvents.

(e) Sulfur dioxide, sulfurous acid, and salts of sulfurous acid when used in or on feeds or feed ingredients which are considered or reported to be a significant source of vitamin B1 (thiamine).

(f) Raw leather residue from tanning or leather manufacturing.

(3) When screenings are added to unmixed by-product feed, the screening must not contain any seed, pesticide, or other product that renders it adulterated within the meaning of RCW 15.53.902.

(4) All screenings or by-products of grains and seeds containing weed seeds, when used in commercial feed or sold as such to the (~~ultimate~~) consumer, shall be ground fine enough or otherwise treated to destroy the viability of such weed seeds so that the finished product contains no more than one viable prohibited noxious weed seed per pound and not more than (~~twenty-five~~) 25 viable restricted noxious weed seeds per pound.

(5) For purposes of this rule, prohibited noxious weed seeds are those listed in WAC 16-301-045 (Prohibited noxious weed seeds) and restricted noxious weed seeds are those listed in WAC 16-301-050 (Restricted noxious weed seeds).

(6) Feed containing raw or unprocessed animal waste is adulterated under this chapter.

Feed containing processed waste or used as a food source must comply with chapter 16-256 WAC before feeding or distributing a processed waste product.

(7) In addition to the requirements in subsection (2) of this section, the terms "poisonous substances" or "deleterious substances" as used in RCW 15.53.902 include, but are not limited to, any ingredient that contains more than (~~twenty~~) 20 parts per billion aflatoxin B1, B2, G1, G2, individually or in total.

AMENDATORY SECTION (Amending WSR 18-21-191, filed 10/24/18, effective 11/24/18)

WAC 16-250-166 Recordkeeping requirements. Records relating the (~~lot identifier to the~~) LOT IDENTIFIER, manufacture, processing, packing, distribution, receipt, (~~or~~) holding, and substantiation of the product must be kept for two years after the last date of distribution and licensing, unless otherwise specified.

WAC 16-250-178 Licensing requirements. (1) Except as provided for in RCW 15.53.9013, any person who manufactures a commercial feed in this state, or who distributes a commercial feed in or into this state; or whose name appears on a commercial feed (~~(label as guarantor)~~) LABEL AS GUARANTOR, must obtain a commercial feed license for each facility that distributes in or into this state.

(2) The license application, which includes renewal applications must be complete, accurate, legible, and submitted (~~(on a form)~~) as prescribed by the department.

(3) The license application must include:

(a) The name, mailing address, and contact information of the applicant;

(b) The name, mailing address, and contact information of the (~~(individual)~~) person responsible for reporting tonnage;

(c) The name, mailing address, physical address, (~~(and)~~) contact information, and FDA Establishment Identifier (FEI) number and/or Unique Business Identifier of the facility being issued the license;

(d) Types of business the firm is engaged in (manufacturer, distributor, (~~(guarantor)~~) GUARANTOR);

(e) Types of processing;

(f) Types of feed distributed;

(g) Types of ingredients;

(h) Applicant's signature; and

(i) Date signed.

(4) A separate license application form is required for each location or facility.

(5) (~~(A fifty dollar fee must accompany each license application form.)~~) The licensing fee(s), the late fee(s), and exceptions to payment of the fee are described in RCW 15.53.9013.

(6) License application forms can be obtained (~~(from the department)~~) online at <https://agr.wa.gov/departments/animals-livestock-and-pets/animal-feed/forms>; by emailing the animal feed program at feedreg@agr.wa.gov, or by phone at 360-902-1942.

(7) Any person prior to distributing a BONA FIDE EXPERIMENTAL FEED is exempt from licensing requirements and will be issued a temporary experimental feed permit upon submission of a form prescribed by the department. The following information will be required to be completed before issuing the permit:

(a) Name, mailing address, and contact information of person responsible for the BONA FIDE EXPERIMENTAL FEED research.

(b) Identification, purpose, and description of the BONA FIDE EXPERIMENTAL FEED and components.

(c) Approximate length of research.

(d) The site address(es) of where research is being conducted and contact information at each location.

(8) The permit will expire two years after the issue date of the permit and is only valid during the time frame the research is being conducted.

(a) If the research is not completed prior to the expiration of the permit, an extension may be requested by resubmitting the prescribed form.

(b) If the research is completed before the two-year period, the business will notify the department of the conclusion of the research and the path to define the ingredient(s).

(c) Any person shall not distribute the BONA FIDE EXPERIMENTAL FEED after the conclusion of the research until it is defined and a commercial feed license is issued.

(9) Records must be maintained for the period of the experiment plus two years after the research has been concluded.

AMENDATORY SECTION (Amending WSR 20-03-110, filed 1/15/20, effective 2/15/20)

WAC 16-250-182 Semiannual feed distribution reporting requirements and inspection fees. (1) (a) Each licensee must file a semiannual report on forms provided by the department setting forth the number of tons of commercial feed distributed in or into this state as required by RCW 15.53.9018.

(b) The report must include the amount of feed distributed by type of mixed feed by animal class, feed ingredients((7)).

(c) Reported exemptions require the form prescribed by the department showing who is responsible for the inspection fee.

(d) RESPONSIBLE BUYERS are required to complete the form prescribed by the department with the company information, animal class and/or ingredient categories, and the amount purchased.

(e) Signature of person filing report, and date signed.

(2) An inspection fee of ((twelve)) 12 cents per ton on all commercial feed ((sold for distribution)) distributed in or into this state during the year must accompany the semiannual report.

(3) The minimum inspection fee, the late fee, and exceptions to payment of the fee are described in RCW 15.53.9018.

(4) Reports where no fees are due may be submitted electronically (via email) in accordance with the specified naming convention.

(5) Semiannual reporting forms can be obtained online at <https://agr.wa.gov/departments/animals-livestock-and-pets/animal-feed/forms>; by emailing the animal feed program at feedreg@agr.wa.gov; or by phone at 360-902-1942.

((+5)) (6) Any reports and associated fees may be submitted to the department by mail to:

Washington State Department of Agriculture
Animal Feed Program
P.O. Box 42591
Olympia, WA 98504-2591

AMENDATORY SECTION (Amending WSR 18-21-191, filed 10/24/18, effective 11/24/18)

WAC 16-250-194 Access to publications adopted under this chapter. (1) Electronic access to 21 C.F.R. is available at ((<https://www.gpo.gov/fdsys/search/home.action>)) <https://www.ecfr.gov/current/title-21>. Print copies of the titles can be purchased from the U.S.

Government Bookstore online at <https://bookstore.gpo.gov/catalog/laws-regulations/code-federal-regulations-cfrs-print>. If you do not have electronic access, contact:

U.S. Government Publishing Office
P.O. Box 979050
St. Louis, MO 63197-9000
Phone 1-866-512-1800

(2) Online and print copies of the AAFCO *Official Publication* can be purchased from AAFCO online at <http://www.aafco.org/Publications>. If you do not have electronic access, print copies can also be purchased from:

AAFCO
1800 South Oak Street, Suite 100
Champaign, IL 61820
Phone 217-356-4221
aafco@aafco.org

(3) A copy of these publications are available for inspection at:

Washington State Department of Agriculture
Natural Resources Building
1111 Washington Street S.E.
Olympia, WA 98504-2560

NEW SECTION

WAC 16-250-200 Refunds. (1) Any person may request a refund if they can show a specified amount over \$50 was paid in error. Refund requests must be received in writing to:

Washington State Department of Agriculture
Animal Feed Program
P.O. Box 42560
Olympia, WA 98504-2591

or emailed to feedreg@agr.wa.gov within 90 calendar days of the payment and include the following information:

- (a) Name and address of applicant;
- (b) Total amount of refund request with rationale;
- (c) Dated, proof of payment, e.g., check number.

(2) If approved, the department must process the requested funds within 60 business days.

AMENDATORY SECTION (Amending WSR 18-21-191, filed 10/24/18, effective 11/24/18)

WAC 16-252-002 Purpose. This chapter is pursuant to RCW 15.53.9012 and regulates ((commercial feed)) COMMERCIAL FEED, specifically ((pet food and specialty pet food distributed)) PET FOOD and SPECIALTY PET FOOD DISTRIBUTED in Washington state for the purpose of uniformity with federal regulations and national consensus codes and ultimately to protect consumers from contaminated, adulterated, or misbranded ((pet food and specialty pet food)) PET FOOD and SPECIALTY PET FOOD.

AMENDATORY SECTION (Amending WSR 18-21-191, filed 10/24/18, effective 11/24/18)

WAC 16-252-004 Applicability. (1) This chapter applies to ((pet food)) PET FOOD as defined in RCW 15.53.901, which includes food for dogs (*Canis familiaris*) and cats (*Felis catus*).

(2) This chapter applies to ((specialty pet food)) SPECIALTY PET FOOD as defined in RCW 15.53.901 and includes any animal normally maintained in a household, such as, but not limited to, rodents, ornamental birds, ornamental fish, reptiles and amphibians, ferrets, hedgehogs, marsupials, and rabbits not raised for food or fur.

(3) If adulterated under RCW 15.53.902 for some but not all purposes, the following commodities are subject to the requirements of this chapter. If unadulterated, the following commodities are exempt from the requirements of this chapter.

(a) Unmixed whole seeds and physically altered entire unmixed seeds when such seeds are not chemically changed.

(b) Raw meat, hay, loose salt, straw, stover, silage, cobs, husks, and hulls when such commodities are not ground, mixed, blended, or intermixed with other materials.

AMENDATORY SECTION (Amending WSR 18-21-191, filed 10/24/18, effective 11/24/18)

WAC 16-252-006 Adoption of federal regulations and national consensus codes—Order of precedence. (1) Adoption of regulations under the Federal Food, Drug and Cosmetic Act in this chapter is of the version effective ((February 9, 2017)) January 1, 2025, and 21 U.S.C. 301 et seq. in this chapter is adoption of the version effective ((September 27, 2017)) January 1, 2025.

(2) Adoption of provisions under the Association of American Feed Control Officials (AAFCO) Official Publication in this chapter is adoption of the provisions in the ((2018)) 2025 edition.

(3) If there is conflict between this chapter, chapter 15.53 RCW, adopted federal regulations, and adopted AAFCO provisions, the conflict must be resolved by giving precedence in the following order:

- (a) Adopted federal regulations;
- (b) Chapter 15.53 RCW;

- (c) This chapter;
- (d) Adopted AAFCO pet food and specialty pet food provisions; and
- (e) Adopted AAFCO commercial feed provisions.

(4) If this chapter is silent with regard to any aspect of (~~pet food~~) PET FOOD or (~~specialty pet food~~) SPECIALTY PET FOOD, then the regulations under chapter 16-250 WAC apply.

AMENDATORY SECTION (Amending WSR 18-21-191, filed 10/24/18, effective 11/24/18)

WAC 16-252-008 Definitions and terms. (1) Definitions and terms in this chapter as well as those defined in chapter 15.53 RCW are mostly shown in capitalized letters to indicate that they are specifically defined.

(2) The department adopts the Official Feed Terms and the Official Common and Usual Names and Definitions of Feed Ingredients in the AAFCO Official Publication or Common Food Index as referenced in WAC 16-252-064.

~~((2))~~ (3) In addition, the following definitions apply to this chapter:

~~("All life stages")~~ (a) "ALL LIFE STAGES" means gestation/lactation, growth, and adult maintenance life stages for dogs, cats, and other mammals or adult (including breeding animals) and juvenile life stages for mammalian species.

(b) "DAILY FOOD" means a SPECIALTY PET FOOD product, other than a treat, FOOD MIXER OR FOOD SUPPLEMENT, for SPECIALTY PET species with no recognized nutritional authority.

~~("Dehydrated grass meal")~~ (c) "DEHYDRATED GRASS MEAL" means the aerial portion of a grass plant that is:

~~((a))~~ (i) Cut before the formation of seed;

~~((b))~~ (ii) Reasonably free of other crop plants, weeds, and mold;

~~((c))~~ (iii) Finely ground; and

~~((d))~~ (iv) Dried by artificial thermal means.

~~("Distressed specialty pet food")~~ (d) "DISTRESSED PET FOOD OR SPECIALTY PET FOOD" means (~~specialty pet food~~) PET FOOD OR SPECIALTY PET FOOD in distribution that is no longer available for (~~retail sale~~) RETAIL SALE. Examples of (~~distressed specialty pet food~~) acceptable DISTRESSED PET FOOD OR SPECIALTY PET FOOD include, but are not limited to, dented cans with the hermetic seal still intact, torn bags, or (~~specialty pet food~~) past its quality sell-by date.

~~("Family")~~ (e) "FAMILIAR HOUSEHOLD UNIT" means a typical, feeding unit in volume or count.

(f) "FAMILY" means a group of products, which are (~~nutritionally adequate~~) NUTRITIONALLY ADEQUATE for any or (~~all life stages~~) ALL LIFE STAGES based on their nutritional similarity to a lead product, which has been successfully test-fed according to an AAFCO feeding protocol(s).

~~("Grain mixture specialty pet food")~~ (g) "FOOD MIXER" means a PET FOOD OR SPECIALTY PET FOOD product that is intended to top, accompany, or contribute to a complete diet but is not generally intended to be a complete diet.

(h) "FOOD SUPPLEMENT" means a PET FOOD OR SPECIALTY PET FOOD product that is intended to supply specific nutrient(s) or other food components but is not a complete diet.

(i) "GRAIN MIXTURE SPECIALTY PET FOOD" means mixed or intermixed whole or physically altered grains, that:

- ((a)) (i) Are not chemically altered;
- ((b)) (ii) May or may not contain molasses; and
- ((c)) (iii) Except for molasses, contain no other additives.

(~~"Grass seed by products meal or pellets"~~) (j) "GRASS SEED BY-PRODUCTS MEAL OR PELLETS" means a ground product consisting of light and broken seeds, hulls, chaff, straw, and some weed seeds but excluding sand, dirt, and heavy weed seeds.

(~~"Grass seed screenings meal or pellets"~~) (k) "GRASS SEED SCREENINGS MEAL OR PELLETS" means a product (~~com-prised~~) comprised chiefly of hulls obtained from the cleaning of various grass seeds.

(~~"Guarantee"~~) (l) "GUARANTEE" means a listing of specified nutrients or nonnutritive substances contained in a (~~pet food or specialty pet food~~) PET FOOD OR SPECIALTY PET FOOD that the (~~manufacturer or distributor~~) GUARANTOR named on the (~~label~~) LABEL warrants.

(~~"Guaranteed analysis"~~) (m) "GUARANTEED ANALYSIS" means a listing of the minimum(~~7~~) and/or maximum (~~or both minimum and maximum~~) concentrations of specified nutrients contained in a (~~pet food or specialty pet food~~) PET FOOD OR SPECIALTY PET FOOD that the (~~manufacturer or distributor~~) GUARANTOR named on the (~~label~~) LABEL warrants. Both minimum and maximum concentrations of specified nutrients contained in a (~~pet food or specialty pet food~~) PET FOOD OR SPECIALTY PET FOOD are stated on an "as is" basis rather than on a "~~(one hundred percent)~~" 100 PERCENT moisture free" basis in units specified by this chapter.

(~~"Guarantor"~~) (n) "GUARANTOR" means any (~~person~~) PERSON whose name appears on the (~~label~~) LABEL of a (~~commercial feed~~) PET FOOD OR SPECIALTY PET FOOD such as a manufacturer or distributor and is responsible for:

- ((a) ~~Product/label~~) (i) Product/LABELING information that is not misleading or misbranded;
- ((b)) (ii) Compliance with (~~product/label~~) product/LABELING information and all applicable rules and regulation; and
- ((c)) (iii) Registering (~~pet food/specialty pet food~~) PET FOOD/SPECIALTY PET FOOD products (~~distributed~~) DISTRIBUTED in/into the state.

(~~"Immediate container"~~) (o) "IMMEDIATE CONTAINER" means the unit, can, box, tin, bag, or other receptacle or covering in which a (~~pet food or specialty pet food~~) PET FOOD OR SPECIALTY PET FOOD is displayed for (~~sale to retail~~) SALE TO RETAIL purchasers, but does not include containers used as shipping containers.

(~~"Ingredient statement"~~) (p) "INGREDIENT STATEMENT" means a (~~colle-tive and~~) contiguous listing on the (~~label~~) LABEL of the (~~ingredi-ents~~) FEED INGREDIENTS of which the (~~pet food or specialty pet food~~) PET FOOD OR SPECIALTY PET FOOD is composed.

(~~"Label"~~) (q) "LABEL" means a display of written, printed, or graphic matter upon or affixed to the container in which a (~~pet food or specialty pet food is distributed~~) PET FOOD OR SPECIALTY PET FOOD IS DISTRIBUTED, or on the invoice or delivery slip with which a bulk (~~pet food or specialty pet food is distributed~~) PET FOOD OR SPECIALTY PET FOOD IS DISTRIBUTED. This includes statements and promotion on company websites or other internet-based customer interfaces.

(~~"Labeling"~~) (r) "LABELING" means all (~~labels~~) LABELS and other written, printed, or graphic matter upon a (~~pet food or specialty pet food~~) PET FOOD OR SPECIALTY PET FOOD or any of its containers or wrappers, or accompanying such (~~pet food or specialty pet food~~) PET FOOD OR SPECIALTY PET FOOD. This includes statements and promotions on company websites or other internet-based customer interfaces.

~~(("Lot identifier"))~~ (s) "LOT IDENTIFIER" means a unique identifier for each lot, batch or production run that enables the manufacturer to accurately trace the complete manufacturing and distribution history of the product. A ~~((lot identifier))~~ LOT IDENTIFIER is an individual lot, batch or production run number, code, date, or other suitable identification applied to the ~~((label))~~ LABEL, container, or package. In the case of bulk ~~((pet food or specialty pet food))~~ PET FOOD OR SPECIALTY PET FOOD, the ~~((lot identifier))~~ LOT IDENTIFIER is on a ~~((label))~~ LABEL, invoice, or shipping document accompanying the ~~((pet food or specialty pet food))~~ PET FOOD OR SPECIALTY PET FOOD.

~~(("Net weight"))~~ (t) "NET WEIGHT" means the weight of a commodity excluding any materials, substances, or items not considered to be part of the commodity. Examples of materials, substances, or items not considered to be part of a commodity include, but are not limited to, containers, conveyances, bags, wrappers, packaging materials, ~~((labels))~~ LABELS, individual piece coverings, decorative accompaniments, and coupons. (See RCW 19.94.010 (1) ~~((i))~~ (s).)

~~(("Nutritionally adequate"))~~ (u) "NUTRITIONALLY ADEQUATE" or "NUTRITIONALLY SUITABLE" means the ~~((pet food or specialty pet food))~~ PET FOOD OR SPECIALTY PET FOOD, when fed according to directions on the ~~((label))~~ LABEL, will meet the nutritional requirements of the class of animals for which the ~~((pet food or specialty pet food was manufactured))~~ PET FOOD OR SPECIALTY PET FOOD WAS MANUFACTURED.

~~(("Nutritionally suitable" means nutritionally adequate.~~

~~("Pea bran"))~~ (v) "PEA BRAN" means a product consisting primarily of the various components from a pea splitting operation. ~~((Pea bran))~~ PEA BRAN must contain at least ~~((ten percent))~~ 10 PERCENT crude protein and not more than ~~((thirty-eight percent))~~ 38 PERCENT crude fiber.

~~(("Pea by-products meal"))~~ (w) "PEA BY-PRODUCTS MEAL" means a product containing light and broken peas, and offal from pea cleaning, which includes chips, pea powder, pea hulls, and screenings. ~~((Pea by-products meal))~~ PEA BY-PRODUCTS MEAL must contain at least ~~((fifteen percent))~~ 15 PERCENT crude protein and not more than ~~((thirty percent))~~ 30 PERCENT crude fiber.

~~(("Pea meal"))~~ (x) "PEA MEAL" means a pea product resulting from the grinding of whole peas that are reasonably free of other crop seeds, weeds, and mold. ~~((Pea meal))~~ PEA MEAL must contain at least ~~((twenty percent))~~ 20 PERCENT crude protein and not more than eight ~~((percent))~~ PERCENT crude fiber.

~~(("Pea screenings meal"))~~ (y) "PEA SCREENINGS MEAL" means a product consisting primarily of the various components from the screening and cleaning of peas. ~~((Pea screenings meal))~~ PEA SCREENINGS MEAL must contain at least ~~((ten percent))~~ 10 PERCENT crude protein and not more than ~~((thirty-eight percent))~~ 38 PERCENT crude fiber.

~~(("Principal display panel"))~~ (z) "PET NUTRITION FACTS" means a designated area located on the LABEL containing nutritional information for a PET FOOD product.

(aa) "PRINCIPAL DISPLAY PANEL" has the same meaning as ~~((that term is))~~ defined in 21 C.F.R. Part ~~((589.2000(a)(1))~~ 501.1.

~~(("Quantity statement"))~~ (bb) "QUANTITY STATEMENT" means the part of the ~~((label))~~ LABEL expressing net weight (mass), net volume (liquid or dry) or count.

~~(("Repackage"))~~ (cc) "REPACKAGE" means taking ~~((pet food and specialty pet food))~~ PET FOOD and SPECIALTY PET FOOD from packages (no larger than ~~((one hundred))~~ 100 pounds for dry feed or ~~((fifty-five))~~ 55 gallons for liquid feed) and placing it into smaller packages for ~~((resale))~~ RESALE.

~~((**"Salvage pet food and specialty pet food"** means pet food and specialty pet food))~~ (dd) "SALVAGE PET FOOD and SPECIALTY PET FOOD" means PET FOOD and SPECIALTY PET FOOD still under control of the original manufacturer and will not be offered for ((sale)) SALE at ((retail)) RETAIL. Examples include, but are not limited to, start-up and over-run product, unpelleted ((specialty pet food, specialty pet food)) PET FOOD OR SPECIALTY PET FOOD fines, and other products not suitable for packaging for ((retail sale)) RETAIL SALE.

~~((**"Sell" or "sale"**))~~ (ee) "SELL" or "SALE" means all parts of exchanges concerning ((commercial feed)) COMMERCIAL FEED including, but not limited to, advertising, offering, acceptance, dispensing, giving, delivering, serving, bartering, trading, or other supplying, holding for ((sale)) SALE, and preparing for ((sale)) SALE.

(ff) "SPECIALTY PET NUTRITION FACTS" means a designated area located on the LABEL containing nutritional information for a SPECIALTY PET FOOD product.

(gg) "VETERINARY DIET" means a PET FOOD OR SPECIALTY PET FOOD product that is intended to be used under the supervision or direction of a veterinarian only.

AMENDATORY SECTION (Amending WSR 18-21-191, filed 10/24/18, effective 11/24/18)

WAC 16-252-012 Label format and labeling. (1) ~~((Pet food and specialty pet food))~~ PET FOOD and SPECIALTY PET FOOD shall be ((labeled)) LABELED with the following information:

~~(a) ((Product name))~~ PRODUCT NAME and brand name, if any, on the ((principal display panel)) PRINCIPAL DISPLAY PANEL as specified in WAC 16-252-024;

~~(b) A statement specifying the ((species name of pet or specialty pet for which the food is intended))~~ purpose of the product, conspicuously designated on the ((principal display panel)) PRINCIPAL DISPLAY PANEL;

~~(c) ((Quantity statement))~~ QUANTITY STATEMENT, as defined in WAC 16-252-008 (3)(bb), by weight (pounds and ounces, and metric), liquid measure (quarts, pints and fluid ounces, and metric) or by count, on the ((principal display panel)) PRINCIPAL DISPLAY PANEL;

When the declaration of quantity of contents by count does not give adequate information as to the quantity of PET FOOD OR SPECIALTY PET FOOD in the container, it shall be combined with such statement of weight, liquid measure, or size of the individual units as will provide such information.

~~(d) ((Guaranteed analysis))~~ PET NUTRITION FACTS OR SPECIALTY PET NUTRITION FACTS as specified in WAC ((16-252-036)) 16-252-054;

~~(e) ((Ingredient statement))~~ INGREDIENT STATEMENT as specified in WAC 16-252-064;

~~(f) ((A statement of nutritional adequacy or purpose if required under WAC 16-252-044;~~

~~(g))~~ Feeding directions if required under WAC 16-252-106; ((and

~~(h))~~ (g) Name ((and)) address, and phone number of the ((manufacturer or distributor)) GUARANTOR as specified in WAC 16-252-122; and

(h) Handling and storage instructions may be displayed as specified in WAC 16-252-125.

(2) When a ~~((pet food or specialty pet food))~~ PET FOOD OR SPECIALTY PET FOOD enclosed in an outer container or wrapper is intended for ((retail

sale)) RETAIL SALE, all required ((label)) LABEL information shall appear on the outer container or wrapper.

(3) A vignette, graphic, or pictorial representation on a ((pet food or specialty pet food label)) PET FOOD OR SPECIALTY PET FOOD LABEL shall not misrepresent the contents of the package.

(4) The use of the word "proven" in connection with a ((label)) LABEL claim for a ((pet food or specialty pet food)) PET FOOD OR SPECIALTY PET FOOD is not permitted unless the claim is substantiated by scientific or other empirical evidence.

(5) No statement shall appear upon the ((label)) LABEL or ((labeling)) LABELING of a ((pet food or specialty pet food)) PET FOOD OR SPECIALTY PET FOOD which makes false or misleading comparisons between that product and any other product.

(a) Statements referring to a competitive product or comparing the properties of a packaged food to those of a competitive product must not appear on a ((label)) LABEL unless the competitive product is specifically identified.

(b) Negative statements regarding a competitive product must not appear on a ((label)) LABEL unless the director determines that the information provided by the statements is beneficial to the product's purchaser.

(6) A personal or commercial endorsement is permitted on a ((pet food or specialty pet food label)) PET FOOD OR SPECIALTY PET FOOD LABEL provided the endorsement is not false or misleading.

(7) A statement on a ((pet food or specialty pet food label)) PET FOOD OR SPECIALTY PET FOOD LABEL stating "Improved," "New," or similar designation shall be substantiated and limited to six months production.

(8) A statement on a ((pet food or specialty pet food label)) PET FOOD OR SPECIALTY PET FOOD LABEL stating preference or comparative attribute claims shall be substantiated and limited to one year production, after which the claim shall be removed or resubstantiated.

(9) (a) Raw milk distributed as a ((commercial feed)) PET FOOD OR SPECIALTY PET FOOD shall comply with the provisions under chapters 15.36 and 15.37 RCW. The ((label)) LABEL shall ((display)) bear the following statements: "WARNING: NOT FOR HUMAN CONSUMPTION - THIS PRODUCT HAS NOT BEEN PASTEURIZED AND MAY CONTAIN HARMFUL BACTERIA." and "DECHARACTERIZED WITH HARMLESS FOOD COLORING." This statement shall be displayed in a conspicuous manner and shall not be smaller than the height of the minimum font required by the Federal Fair Packaging and Labeling Act for the net QUANTITY STATEMENT as shown in the following table:

<u>Panel Size</u>	<u>Minimum Warning Statement Type Size</u>
<u><5 in.²</u>	<u>1/16 in.</u>
<u>>5 - <25 in.²</u>	<u>1/8 in.</u>
<u>>25 - <100 in.²</u>	<u>3/16 in.</u>
<u>>100 - <400 in.²</u>	<u>1/4 in.</u>
<u>>400 in.²</u>	<u>1.2 in.</u>

(b) ((The label)) When PET FOOD OR SPECIALTY PET FOOD consists of raw milk, the words, "Raw (Blank) Milk" shall appear conspicuously on the PRINCIPAL DISPLAY PANEL (blank is to be completed by using the species of animal from which the raw milk is collected).

(c) The LABEL type size must meet the following:

(i) The name ~~((and)), address, and phone number~~ of the ~~((producer))~~ GUARANTOR or ~~((distributor))~~ DISTRIBUTOR in letters not less than one-fourth inch in size;

(ii) The name of the contents (FEED INGREDIENTS) in letters not less than one-fourth inch in size~~((+)~~

~~(iii) The words "WARNING: NOT FOR HUMAN CONSUMPTION - THIS PRODUCT HAS NOT BEEN PASTEURIZED AND MAY CONTAIN HARMFUL BACTERIA." in letters at least one-half inch in size; and~~

~~(iv) The words "DECHARACTERIZED WITH HARMLESS FOOD COLORING." in letters not less than one-fourth inch in size).~~

(10) All ~~((pet food and specialty pet food))~~ PET FOOD OR SPECIALTY PET FOOD must be ~~((labeled))~~ LABELED with a ~~((lot identifier))~~ conspicuous and clearly readable LOT IDENTIFIER sufficient to allow the manufacturer to accurately trace the complete manufacturing and distribution history of the product, but the lot identified may be separate from the ~~((label))~~ LABEL information required under this ~~((section))~~ chapter.

(11) ~~((Labels))~~ LABELS must state all required ~~((label))~~ LABEL information in English. ~~((Pet food and specialty pet food))~~ PET FOOD and SPECIALTY PET FOOD may be additionally ~~((labeled))~~ LABELED in other languages if the other language ~~((labels))~~ LABELS provide the same information as the English version of the ~~((label))~~ LABEL.

(12) The term "organic" may not appear on ~~((labels))~~ LABELS or shipping documents of any ~~((pet food or specialty pet food))~~ PET FOOD OR SPECIALTY PET FOOD unless the food was produced under conditions that comply with the United States Department of Agriculture (USDA) National Organic Standard for the production and handling of organic ~~((crops, livestock and processed food))~~ feed products. The National Organic Standard may be obtained from the department, or on the internet at <http://www.ams.usda.gov/rules-regulations/organic>.

(13) When screenings are added to unmixed by-product ~~((pet food or specialty pet food))~~ PET FOOD OR SPECIALTY PET FOOD, the term "screenings" must appear on the ~~((label))~~ LABEL:

(a) In the same size and style of ~~((type))~~ text as the brand name; and

(b) Either as part of or immediately below the brand name.

(14) ~~((Distressed or salvage pet food or specialty pet food))~~ DIS-TRESSED OR SALVAGE PET FOOD OR SPECIALTY PET FOOD that contains, or may contain, prohibited mammalian protein must be ~~((labeled))~~ LABELED with the bovine spongiform encephalopathy precautionary statement "Do not feed to cattle or other ruminants."

AMENDATORY SECTION (Amending WSR 18-21-191, filed 10/24/18, effective 11/24/18)

WAC 16-252-024 Brand and product names. (1) The names of the FEED INGREDIENT(S) used in the brand or PRODUCT NAME or elsewhere on the product LABEL shall appear in order of predominance by weight in the product. Names of flavors due to their varying intensity can be in any order.

(2) The words "100%," or "All," or words of similar designation shall not be used in the brand or ~~((product name))~~ PRODUCT NAME of a ~~((pet food or specialty pet food))~~ PET FOOD OR SPECIALTY PET FOOD if the product contains more than one ~~((ingredient, not including water sufficient for processing, decharacterizing agents, or trace amounts of preservatives and condiments))~~ FEED INGREDIENT.

~~((2) An ingredient)~~ (3) A FEED INGREDIENT or combination of (ingredients) FEED INGREDIENTS may form part of a ~~((product name of a pet food or specialty pet food))~~ PRODUCT NAME OF A PET FOOD OR SPECIALTY PET FOOD:

(a) When the (ingredient(s)) named FEED INGREDIENT(S) constitutes at least ~~((ninety-five percent))~~ 95 PERCENT of the total product weight ~~((of the product.))~~, water sufficient for processing may be excluded when calculating the (percentage) PERCENTAGE; however, the (ingredient(s)) named FEED INGREDIENTS shall constitute at least ~~((seventy percent))~~ 70 PERCENT of the total product weight.

(b) When any (ingredient(s)) named FEED INGREDIENT(S) constitutes at least ~~((twenty-five percent of the weight of the product))~~ 25 PERCENT of total product weight, provided that:

(i) Water sufficient for processing may be excluded when calculating the (percentage) PERCENTAGE; however, the (ingredient(s)) named FEED INGREDIENT(S) shall constitute at least ~~((ten percent))~~ 10 PERCENT of the total product weight; and

(ii) A descriptor is used with the (ingredient) FEED INGREDIENT name(s). This descriptor shall imply other (ingredients) FEED INGREDIENTS are included in the product formula. ~~((iii))~~ Examples of descriptors include "dinner," "platter," "entree," "formula," and "recipe"; and

~~((iv))~~ (iii) The descriptor shall be in the same size, style, and color (print) text as the (ingredient) FEED INGREDIENT name(s).

(c) When a combination of (ingredients) FEED INGREDIENTS which are included in the (product name) PRODUCT NAME in accordance with this subsection meets all of the following:

(i) Each (ingredient) named FEED INGREDIENT constitutes at least three ~~((percent))~~ PERCENT of the product weight, excluding water sufficient for processing; and

(ii) ~~((The names of the ingredients appear in the order of their respective predominance by weight in the product; and~~

~~((iii))~~ All such (ingredient) FEED INGREDIENT names appear on the (label) LABEL in the same size, style, and color (print) text.

~~((3))~~ (4) When the name of any (ingredient) FEED INGREDIENT appears in the ~~((product name of a pet food or specialty pet food))~~ brand or PRODUCT NAME OF A PET FOOD OR SPECIALTY PET FOOD or elsewhere on the product (label) LABEL and includes a descriptor such as "with" or similar designation, the named (ingredient(s)) FEED INGREDIENT(S) must each constitute at least three ~~((percent))~~ PERCENT of the total product weight exclusive of water sufficient for processing. ~~((If the names of more than one ingredient are shown, they shall appear in their respective order of predominance by weight in the product.))~~ The three ~~((percent))~~ PERCENT minimum level shall not apply to claims for nutrients, such as, but not limited to, vitamins, minerals, and fatty acids, as well as condiments. The word "with," or similar designation, and named (ingredients) FEED INGREDIENTS shall be in the same size, style, color and case print/text and be of no greater size than:

Panel Size	Max "With Claim" Type Size
≤5 in. ²	1/8 in.
>5 to ≤25 in. ²	1/4 in.
>25 to ≤100 in. ²	3/8 in.
>100 to ≤400 in. ²	1/2 in.
>400 in. ²	1 in.

~~((4))~~ (5) A flavor designation may be included as part of the ~~((product name))~~ PRODUCT NAME or elsewhere on the ~~((label))~~ LABEL of a ~~((pet food or specialty pet food))~~ PET FOOD OR SPECIALTY PET FOOD when the flavor designation meets all of the following:

(a) The flavor designation:

(i) Conforms to the name of the ~~((ingredient))~~ FEED INGREDIENT as listed in the ~~((ingredient statement))~~ INGREDIENT STATEMENT; or

(ii) Is identified by the source of the flavor in the ~~((ingredient statement.))~~ INGREDIENT STATEMENT; and

(b) The word "flavor" is printed in the same size ~~((type))~~ text and with an equal degree of conspicuousness as the name of the flavor designation; and

(c) Substantiation of the flavor designation, the flavor claim, or the ~~((ingredient))~~ FEED INGREDIENT source is provided upon request.

~~((5))~~ The product name of the pet food or specialty pet food shall not be derived from one or more ingredients unless all ingredients are included in the name, except as specified by WAC 16-252-024 (2) or (3); provided that the name of an ingredient or combination of ingredients may be used as a part of the product name if:

(a) The ingredient or combination of ingredients is present in sufficient quantity to impart a distinctive characteristic to the product or is present in amounts which have a material bearing upon the price of the product or upon acceptance of the product by the purchaser thereof; or

(b) It does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients.)

(6) Contractions or coined names referring to ~~((ingredients))~~ FEED INGREDIENTS shall not be used in the brand name of a ~~((pet food or specialty pet food))~~ PET FOOD OR SPECIALTY PET FOOD unless it is in compliance with WAC 16-252-024 ~~((2), (3), or (4))~~ (3), (4), or (5).

(7) ~~((When pet food or specialty pet food consists of raw milk, the words, "Raw (blank) Milk" shall appear conspicuously))~~ Unless a PET FOOD OR SPECIALTY PET FOOD is identified on the ((principal display panel. (Blank is to be completed by using the species of animal from which the raw milk is collected.)) PRINCIPAL DISPLAY PANEL as a stew, gravy, sauce, broth, aspic, juice, milk replacer, or other such name, the maximum moisture declared shall not exceed 78 PERCENT of the natural moisture content of the FEED INGREDIENTS, whichever is higher.

AMENDATORY SECTION (Amending WSR 18-21-191, filed 10/24/18, effective 11/24/18)

WAC 16-252-044 ((Nutritional adequacy.)) Intended use statement and nutritional adequacy claims.

~~((1))~~ The label of a pet food or specialty pet food which is intended for all life stages and sizes of the pet or specialty pet may include an unqualified claim, directly or indirectly, such as "complete and balanced," "perfect," "scientific," or "100% nutritious" if at least one of the following apply:

(a) The product meets the nutrient requirements for all life stages and sizes established by an AAFCO-recognized nutrient profile;

(b) The product meets the criteria for all life stages as substantiated by completion of the appropriate AAFCO-recognized animal feeding protocol(s); or

~~(c) The product is a member of a product family which is nutritionally similar to a lead product which contains a combination of ingredients that has been fed to a normal animal as the sole source of nourishment in accordance with the testing procedures established by AAFCO for all life stages, provided that:~~

~~(i) The nutritional similarity of the family product can be substantiated according to the Procedures for Establishing Pet Food Product Families developed by AAFCO;~~

~~(ii) The family product meets the criteria for all life stages; and~~

~~(iii) Under circumstances of reasonable doubt, the department may require the manufacturer to perform additional testing of the family product in order to substantiate the claim of nutritional adequacy.~~

~~(2) The label of a pet food or specialty pet food which is intended for a limited purpose (such as size of dog) or a specific life stage, but not for all life stages and sizes, may include a qualified claim such as "complete and balanced," "perfect," "scientific," or "100% nutritious" when the product and claim meet all of the following:~~

~~(a) The claim is qualified with a statement of the limited purpose or specific life stage for which the product is intended or suitable, for example, "complete and balanced for puppies (or kittens)." The claim and the required qualification shall be juxtaposed on the same label panel and in the same size, style and color print; and~~

~~(b) The product meets at least one of the following:~~

~~(i) The nutrient requirements for the limited purpose or specific life stage established by an AAFCO-recognized nutrient profile;~~

~~(ii) The criteria for a limited purpose or a specific life stage as substantiated by completion of the appropriate AAFCO-recognized animal feeding protocol(s); or~~

~~(iii) The requirements of a product family which is nutritionally similar to a lead product which contains a combination of ingredients which, when fed for such limited purpose, will satisfy the nutrient requirements for such limited purpose and has had its capabilities in this regard demonstrated by adequate testing, and provided that:~~

~~(A) The nutritional similarity of the family product can be substantiated according to the Procedures for Establishing Pet Food Product Families developed by AAFCO;~~

~~(B) The family product meets the criteria for such limited purpose; and~~

~~(C) Under circumstances of reasonable doubt, the department may require the manufacturer to perform additional testing for the family product to substantiate the claim of nutritional adequacy.~~

~~(3) Dog and cat food labels shall include a statement of nutritional adequacy or purpose of the product except when the dog or cat food is clearly and conspicuously identified on the principal display panel as a "snack," "treat," or "supplement." The statement shall consist of one of the following:~~

~~(a) A claim that the dog or cat food meets the requirements of one or more of the recognized categories of nutritional adequacy: Gestation/lactation, growth, maintenance, and all life stages. The claim shall be stated verbatim as one of the following:~~

~~(i) "(Name of product) is formulated to meet the nutritional levels established by the AAFCO Dog (or Cat) Food Nutrient Profiles for _____. " (Blank is to be completed by using the stage or stages of the pet's life, such as gestation/lactation, growth, maintenance or the words "All Life Stages.") For a dog food, when the blank includes~~

the words "Growth" or "All Life Stages," one of the following phrases must also be added verbatim to the end of the claim:

(A) "... including growth of large size dogs (70 lb. or more as an adult)" if the product has been formulated to meet the levels of nutrients specifically referenced in the dog food nutrient profiles as being applicable to large size growing dogs.

(B) "... except for growth of large size dogs (70 lb. or more as an adult)" if the product has not been formulated to meet the levels of nutrients specifically referenced in the dog food nutrient profiles as being applicable to large size growing dogs.

(ii) "Animal feeding tests using AAFCO procedures substantiate that (Name of Product) provides complete and balanced nutrition for _____. " (Blank is to be completed by using the stage or stages of the pet's life tested, such as, gestation/lactation, growth, maintenance or the words "All Life Stages"); or

(iii) "(Name of Product) provides complete and balanced nutrition for _____ (blank is to be completed by using the stage or stages of the pet's life, such as gestation, lactation, growth, maintenance or the words "All Life Stages") and is comparable in nutritional adequacy to a product which has been substantiated using AAFCO feeding tests."

(b) A nutritional or dietary claim for purposes other than those listed in WAC 16-252-044 (1) or (2) if the claim is scientifically substantiated; or

(c) The statement: "This product is intended for intermittent or supplemental feeding only," if a product does not meet the requirements of WAC 16-252-044 (1) or (2) or any other special nutritional or dietary need and so is suitable only for limited or intermittent or supplementary feeding.

(4) A product intended for use by, or under the supervision or direction of a veterinarian shall make a statement in accordance with WAC 16-252-044 (3) (a) or (c).

(5) A signed affidavit attesting that the product meets the requirements of WAC 16-252-044 (1) or (2) (b) shall be submitted to the department upon request.

(6) If the nutrient content of a product does not meet those nutrient requirements established by an AAFCO-recognized nutrient profile, or if no requirement has been established by an AAFCO recognized nutritional authority for the life stage(s) of the intended species, the claimed nutritional adequacy or purpose of the product shall be scientifically substantiated.

(7) The following AAFCO-recognized nutritional authority, nutrient profile, and/or animal feeding protocol shall be acceptable as the basis for a claim of nutritional adequacy:

(a) As an AAFCO-recognized nutrient profile or nutritional authority:

(i) For dogs, the AAFCO dog food nutrient profiles;

(ii) For cats, the AAFCO cat food nutrient profiles;

(iii) For specialty pets, the nutrient recommendations approved by the Committee on Animal Nutrition of the National Research Council of the National Academy of Sciences, provided that, this nutrient recommendation is recognized only for the specific specialty pet for which the profile is intended.

(b) As an AAFCO-recognized animal feeding protocol(s), the AAFCO dog and cat food feeding protocols.) (1) A statement identifying the purpose of a PET FOOD OR SPECIALTY PET FOOD is required on the PRINCIPAL DISPLAY PANEL of the LABEL in accordance with the following:

(a) The purpose of a PET FOOD OR SPECIALTY PET FOOD shall be stated as:

(i) "Complete [Species] Food" - For food products intended to be the complete diet for ALL LIFE STAGES and sizes of a PET or SPECIALTY PET in accordance with the unqualified claims in WAC 16-252-044(2);

(ii) For food products intended to be the complete diet for a limited life stage or size of a PET or SPECIALTY PET in accordance with the qualified claims in WAC 16-252-044(3) one of the two following statements shall be used:

(A) "Complete Food for [blank]" where the blank shall be filled with one or more of the following:

(I) "Adult [Species]";

(II) "Puppies," "Kittens," or "Juvenile [Species other than dog or cat]";

(III) "Puppies (<70 lb. as an adult)"; or

(IV) "Dogs (except puppies >70 lb. as an adult)"; or

(B) "Complete [Blank] Food" where the blank shall be filled with one or more of the following:

(I) "Adult [Species]";

(II) "Puppy," "Kitten," or "Juvenile [Species other than dog or cat]";

(III) "Puppy (<70 lb. as an adult)"; or

(IV) "Dog (except puppies >70 lb. as an adult)";

(iii) "Veterinary Diet for [Species]" - For food products intended to be used under the supervision or direction of a veterinarian only in accordance with WAC 16-252-044(4);

(iv) "[Species] Treat" - For food products for PETS or SPECIALTY PETS, provided occasionally for enjoyment, training, entertainment, or other purposes, and not generally intended or represented to be a complete food or nutritional supplement;

(v) "[Species] Food Supplement" - For food products for PETS or SPECIALTY PETS that are intended to supply specific nutrient(s) or other food components but are not a complete diet;

(vi) "[Species] Food Mixer" - For food products for PETS or SPECIALTY PETS that are intended to top, accompany, or contribute to a complete diet but are not generally intended or represented to be a complete diet; or

(vii) "Daily [Specialty Pet Species] Food" - For food products that are intended to be the daily diet for SPECIALTY PETS where no recognized nutritional authority exists. A limited life stage may be indicated, i.e., "Daily [Specialty Pet Species] Food for [Juveniles or Adults]."

(b) This purpose statement shall:

(i) Appear within the bottom 30 PERCENT of the area of the LABEL PRINCIPAL DISPLAY PANEL in lines generally parallel to the base on which the package rests as it is designed to be displayed and shall be repeated on the alternate PRINCIPAL DISPLAY PANEL, if present. However, on packages having a PRINCIPAL DISPLAY PANEL of five square inches or less, the requirement for placement within the bottom 30 PERCENT of the area of the LABEL panel shall not apply;

(ii) Be at least as large as the statement of net quantity, consistent with 16 C.F.R. 500.21;

(iii) Appear in the same color and style as the statement of net quantity and on the same background color as the statement of net quantity; and

(iv) Be separated by at least a space equal to the height of the letter "N" used in the statement of net quantity from other printed LABEL information appearing above or below it and by at least a space equal to twice the width of the letter "N" of the style of text used

in the quantity of contents statement from other printed LABEL information appearing to the left or right of it.

(2) The LABEL of a PET FOOD OR SPECIALTY PET FOOD which is intended for ALL LIFE STAGES and sizes of the PET OR SPECIALTY PET may make unqualified claims, directly or indirectly, such as "complete and balanced," "perfect," "scientific," or "100% nutritious" if at least one of the following apply:

(a) The product meets the nutrient requirements for ALL LIFE STAGES and sizes established by an AAFCO-recognized nutrient profile; or

(b) The product meets the criteria for ALL LIFE STAGES as substantiated by completion of the appropriate AAFCO-recognized animal feeding protocol(s); or

(c) Unqualified claims of nutritional adequacy that include large size dogs (>70 lb. as an adult) can be substantiated by:

(i) Completing the appropriate protocols using large size dogs;
or

(ii) Completing the appropriate protocols using dogs <70 lb. adult weight while containing no more calcium and phosphorus than the maximum limits for large size dogs listed in the AAFCO Dog Food Nutrient Profiles; or

(d) The product is a member of a product family which is nutritionally similar to a lead product which contains a combination of FEED INGREDIENTS that has been fed to a normal animal as the sole source of nourishment in accordance with the testing procedures established by AAFCO for ALL LIFE STAGES, provided that:

(i) The nutritional similarity of the FAMILY product can be substantiated according to the Procedures for Establishing Pet Food Product Families developed by AAFCO; and

(ii) The FAMILY product meets the criteria for ALL LIFE STAGES; and

(iii) Under circumstances of reasonable doubt, the DEPARTMENT may require the manufacturer to perform additional testing of the FAMILY product in order to substantiate the claim of nutritional adequacy.

(3) The LABEL of a PET FOOD OR SPECIALTY PET FOOD which is intended for a limited purpose (such as size of dog) or a specific life stage, but not for ALL LIFE STAGES and sizes, may make qualified claims such as "complete and balanced," "perfect," "scientific," or "100% nutritious" when the product and claim meet both of the following:

(a) The claim is qualified with a statement of the limited purpose or specific life stage for which the product is intended or suitable, for example, "complete and balanced for puppies (or kittens)." The claim and the required qualification shall be juxtaposed (side by side or next to each other) on the same LABEL panel and in the same size, style, and color text; and

(b) The product meets at least one of the following:

(i) The nutrient requirements for the limited purpose or specific life stage established by an AAFCO-recognized nutrient profile; or

(ii) The criteria for a limited purpose or a specific life stage as substantiated by completion of the appropriate AAFCO-recognized animal feeding protocol(s).

Qualified claims of nutritional adequacy that include large size dogs can be substantiated by:

(A) Completing the appropriate protocols using large size dogs;
or

(B) Completing the appropriate protocols using dogs <70 lb. adult weight while containing no more calcium and phosphorus than the maximum limits for large size dogs listed in the AAFCO Dog Food Nutrient Profiles; or

(iii) The requirements of a product FAMILY which is nutritionally similar to a lead product which contains a combination of FEED INGREDIENTS which, when fed for such limited purpose, will satisfy the nutrient requirements for such limited purpose and has had its capabilities in this regard demonstrated by adequate testing, and provided that:

(A) The nutritional similarity of the FAMILY product can be substantiated according to the Procedures for Establishing Pet Food Product Families developed by AAFCO; and

(B) The FAMILY product meets the criteria for such limited purpose; and

(C) Under circumstances of reasonable doubt, the DEPARTMENT may require the GUARANTOR to perform additional testing for the FAMILY product to substantiate the claim of nutritional adequacy.

(4) A product intended for use by, or under the supervision or direction of a veterinarian shall clearly indicate the nutritional adequacy of the product in accordance with WAC 16-252-044 (3) (a) or (c) as would be required for any other PET FOOD OR SPECIALTY PET FOOD.

(5) A signed affidavit attesting that the product meets the requirements of WAC 16-250-044 (2) or (3) shall be submitted to the DEPARTMENT upon request.

(6) If the nutrient content of a product does not meet those nutrient requirements established by an AAFCO-recognized nutrient profile, or if no requirement has been established by an AAFCO-recognized nutritional authority for the life stage(s) of the intended species, the claimed nutritional adequacy of the product shall be scientifically substantiated.

(7) The following AAFCO-recognized nutritional authority, nutrient profile, and/or animal feeding protocol shall be acceptable as the basis for a claim of nutritional adequacy:

(a) As an AAFCO-recognized nutrient profile or nutritional authority:

(i) For dogs, the AAFCO Dog Food Nutrient Profiles;

(ii) For cats, the AAFCO Cat Food Nutrient Profiles;

(iii) For SPECIALTY PETS, the nutrient recommendations approved by the Committee on Animal Nutrition of the National Research Council of the National Academy of Sciences, provided that, this nutrient recommendation is recognized only for the specific SPECIALTY PETS for which the profile is intended.

(b) As an AAFCO-recognized animal feeding protocol(s), the AAFCO Dog and Cat Food Feeding Protocols.

(8) When the LABEL of a PET FOOD OR SPECIALTY PET FOOD includes a comparison of the nutrient content of the food with levels established by an AAFCO-recognized nutrient profile such as a table of comparison, a PERCENTAGE, or any other designation referring to an individual nutrient or all of the nutrient levels, the following apply:

(a) The product shall meet the AAFCO-recognized nutrient profile; and

(b) The statement of comparison shall be preceded by a statement that the product meets the AAFCO-recognized profile; however, the statement that the product meets the AAFCO-recognized nutrient profile is not required provided that the nutritional adequacy statement, as per WAC 16-252-044 (1) (a) or (2) (b) (i), appears elsewhere on the product LABEL; and

(c) The statement of comparison of the nutrient content shall constitute a GUARANTEE and shall be in the nutrient GUARANTEES within the PET FOOD OR SPECIALTY PET FOOD NUTRITION FACTS; and

(d) The statement of comparison shall appear on the LABEL separate and apart from the nutrient GUARANTEES within the PET FOOD OR SPECIALTY PET FOOD NUTRITION FACTS.

NEW SECTION

WAC 16-252-054 Pet and specialty pet nutrition facts. (1) PET NUTRITION FACTS shall be displayed in a prominent place on the LABEL of all PET FOODS (including treats, FOOD SUPPLEMENTS, VETERINARY DIETS, and FOOD MIXERS), but not necessarily on the PRINCIPAL DISPLAY PANEL. The information shall be set off in a box by use of hairlines (fine lines) and shall be all black or one-color type, printed on a white or other neutral contrasting background so as to be clearly visible under the heading "Pet Nutrition Facts" that is centered in the top row of the box and twice the size of all other text in the box. A hairline rule that is centered between the lines of text shall separate "Pet Nutrition Facts" from the next line of text. The box contains the following required elements with all text the same size and style in the following order:

(a) The stated whole FAMILIAR HOUSEHOLD UNIT (e.g., can, measuring cup, treat, or piece), consistent with the feeding directions, and its weight in grams shall be right justified. This is set off by a bold line centered between this and the next line of text.

(b) A statement of calorie content, determined as specified in WAC 16-252-118, shall include the following:

(i) The calorie content of the product shall be stated after the left justified heading:

(A) "Calories per [familiar household unit][†]: [#]" when the calorie content is determined in accordance with WAC 16-252-118 (1)(a); or

(B) "Calories per [familiar household unit] (fed): [#]" when the calorie content is determined in accordance with WAC 16-252-118 (2)(a).

(ii) Below the calorie content statement, the number of calories contributed by protein, fat, and carbohydrate shall be declared, in that order, after "From:". The "From:" line shall be indented to reflect that it is a component of the total calories on the line above. If the total calorie content of the product is determined by feeding trial in accordance with WAC 16-252-118 (2)(a), then "†" shall be declared immediately after the number of calories from carbohydrates. The determination of calories from protein, fat, and carbohydrate are as described in WAC 16-252-118 (3)(c). This is set off by a bold line centered between this and the next line of text.

(c) The nutrient GUARANTEES shall appear under the headers "Nutrients" that is left justified to the edge of the box, "Guaranteed" that is right justified to a vertical hairline that runs from this line of text to the last GUARANTEED nutrient value, and "per [familiar household unit]" that is right justified to the edge of the box. The amount "per [familiar household unit]" for each nutrient is determined by multiplying the GUARANTEED amount (concentration) by the number of grams in the FAMILIAR HOUSEHOLD UNIT and shall include the resultant unit of such amount (e.g., grams, milligrams, or international units). The GUARANTEES shall be listed in the following order with a hairline centered between each line of text:

- (i) A PET FOOD LABEL shall list the following required GUARANTEED amounts, stated as a maximum or minimum, as appropriate:
- (A) "Protein" is minimum PERCENTAGE of crude protein;
 - (B) "Fat" is minimum PERCENTAGE of crude fat;
 - (C) "Total Carbohydrate[†]" is maximum PERCENTAGE equal to $[100 - (\text{Crude Protein} + \text{Crude Fat} + \text{Moisture} + \text{Ash})]$;
 - (D) "Dietary Fiber" is maximum PERCENTAGE of total dietary fiber. The dietary fiber GUARANTEE shall be indented to reflect that it is a component of the total carbohydrate GUARANTEE on the line above;
 - (E) "Moisture" is maximum PERCENTAGE of moisture; and
 - (F) Maximum PERCENTAGE of crude fat ("Fat") shall be listed between the minimum PERCENTAGE of crude fat and the maximum PERCENTAGE "Total Carbohydrate" if required by WAC 16-252-118;
 - (G) Additional required or voluntary GUARANTEES shall follow moisture or ash, if listed.
- (ii) When "Ash" is listed, it shall be GUARANTEED as a maximum PERCENTAGE and shall immediately follow moisture.
- (iii) When listed on a PET FOOD GUARANTEES for "Dietary Starch" and "Sugars" shall be stated as maximum GUARANTEED amounts. Neither GUARANTEED amount shall be listed without the other. The GUARANTEED amount for dietary starch shall follow dietary fiber with the same indentation. The GUARANTEED amount for sugars shall follow dietary starch with the same indentation.
- (iv) The "†calculated value" shall appear immediately after the last GUARANTEE below a bold line.
- (v) Other additional required or voluntary GUARANTEES shall appear in accordance with the following:
- (A) GUARANTEES for nutrients are in the same order and units of the nutrients in the AAFCO Dog or Cat Food Nutrient Profiles following ash, if also listed, or moisture, if ash is not listed.
 - (B) GUARANTEES for substances not listed in the AAFCO Dog or Cat Food Nutrient Profiles, or not otherwise provided for in this chapter, shall immediately follow the listing of the recognized nutrients and be accompanied by an asterisk (*).
- (I) For any such GUARANTEES, a hairline shall be centered between the last and the next line of text;
 - (II) The disclaimer "*not recognized as an essential nutrient by the AAFCO Dog or Cat Food Nutrient Profiles" shall appear immediately after "†calculated value."
 - (III) For a PET FOOD that is intended to supply: Microorganisms, guarantees shall be declared as CFU/g; and/or enzymes shall be declared as stipulated in WAC 16-250-036(7). The enzyme activity unit meaning should follow the disclaimer within the box.
- (vi) The statement of nutritional adequacy shall appear immediately below the bold line separating it from the disclaimers which follow the GUARANTEES:
- (A) A statement that the PET FOOD meets the requirements of one or more of the recognized categories of nutritional adequacy: Gestation/lactation, growth, maintenance, and ALL LIFE STAGES. It shall be stated verbatim as one of the following:
 - (I) "(Name of product) is formulated to meet the nutritional levels established by the AAFCO Dog or Cat Food Nutrient Profiles for _____." (Blank is to be completed by using the stage or stages of the pet's life, such as gestation/lactation, growth, maintenance, or the words "All Life Stages".) For a dog food, when the blank includes

the words "Growth" or "All Life Stages," one of the following phrases must also be added verbatim to the end of the claim:

- "... including growth of large size dogs (70 lb. or more as an adult)" if the product has been formulated to meet the levels of nutrients specifically referenced in the Dog Food Nutrient Profiles as being applicable to large size growing dogs.

- "... except for growth of large size dogs (70 lb. or more as an adult)" if the product has not been formulated to meet the levels of nutrients specifically referenced in the Dog Food Nutrient Profiles as being applicable to large size growing dogs; or

(II) "Animal feeding tests using AAFCO procedures substantiate that (Name of Product) provides complete and balanced nutrition for _____." (Blank is to be completed by using the stage or stages of the pet's life tested, such as, gestation/lactation, growth, maintenance, or the words "All Life Stages"); or

(III) "(Name of product) provides complete and balanced nutrition for _____. (Blank is to be completed by using the stage or stages of the pet's life, such as gestation, lactation, growth, maintenance, or the words "All Life Stages") and is comparable in nutritional adequacy to a product which has been substantiated using AAFCO feeding tests."

(B) A nutritional or dietary statement for purposes other than those listed in WAC 16-252-044 (2) or (3) if the statement is scientifically substantiated; or

(C) The statement: "This product is intended for intermittent or supplemental feeding only," if a product does not meet the requirements of WAC 16-252-044 (2) or (3) or any other special nutritional or dietary need and so is suitable only for limited or intermittent or supplementary feeding.

(2) SPECIALTY PET NUTRITION FACTS shall be displayed in a prominent place on the LABEL of all SPECIALTY PET FOODS (including treats, FOOD SUPPLEMENTS, VETERINARY DIETS, and FOOD MIXERS), but not necessarily on the PRINCIPAL DISPLAY PANEL. The information shall be set off in a box by use of hairlines and shall be all black or one-color type, printed on a white or other neutral contrasting background so as to be clearly visible under the heading "Specialty Pet Nutrition Facts" that is centered in the top row of the box and twice the size of all other text in the box. A hairline rule that is centered between the lines of text shall separate "Specialty Pet Nutrition Facts" from the next line of text. The box contains the following required elements with all text the same size and style in the following order:

(a) The stated whole FAMILIAR HOUSEHOLD UNIT (e.g., can, measuring cup, treat, or piece), consistent with the feeding directions, and its weight in grams shall be right justified. This is set off by a bold line centered between this and the next line of text.

(b) The nutrient GUARANTEES shall appear under the headers "Nutrients" that is left justified to the edge of the box, "Guaranteed" that is right justified to a vertical hairline that runs from this line of text to the last GUARANTEED nutrient values, and "per [familiar household unit]" that is right justified to the edge of the box. The amount "per [familiar household unit]" for each nutrient is determined by multiplying the GUARANTEED amount (concentration) by the number of grams in the FAMILIAR HOUSEHOLD UNIT and shall include the resultant unit of such amount (e.g., grams, milligrams, or international units). The GUARANTEES shall be listed in the following order with a hairline centered between each line of text:

(i) A SPECIALTY PET FOOD LABEL shall list the following required GUARANTEED amounts, stated as a maximum or minimum, as appropriate:

- (A) "Protein" is minimum PERCENTAGE of crude protein;
- (B) "Fat" is minimum PERCENTAGE of crude fat;
- (C) "Total Carbohydrate[†]" is maximum PERCENTAGE equal to [100 - (Crude Protein + Crude Fat + Moisture + Ash)];
- (D) "Dietary Fiber" is maximum PERCENTAGE of total dietary fiber. The dietary fiber GUARANTEE shall be indented to reflect that it is a component of the total carbohydrate GUARANTEE on the line above; and
- (E) "Moisture" is maximum PERCENTAGE of moisture;
- (F) Additional required or voluntary GUARANTEES shall follow moisture or ash, if listed.

(ii) When "Ash" is listed, it shall be GUARANTEED as a maximum PERCENTAGE and shall immediately follow moisture.

(iii) When listed on the SPECIALTY PET FOOD LABEL, GUARANTEES for "Dietary Starch" and "Sugars" shall be stated as maximum GUARANTEED amounts. Neither GUARANTEED amount shall be listed without the other. The GUARANTEED amount for dietary starch shall follow dietary fiber with the same indentation. The GUARANTEED amount for sugars shall follow dietary starch with the same indentation.

(iv) The "†calculated value" shall appear immediately after the last GUARANTEE below a bold line.

(v) Other additional required or voluntary GUARANTEES shall appear in accordance with the following:

(A) These GUARANTEES shall follow ash, if also listed, or moisture, if ash is not listed;

(B) GUARANTEES for nutrients are in the same order and units of the nutrients in an AAFCO-recognized nutrient profile for the intended animal species; however, if no species-specific AAFCO-recognized nutrient profile is available, the order and units shall follow the same order and units of nutrients in the AAFCO Cat Food Nutrient Profile;

(C) For those SPECIALTY PET species with an AAFCO-recognized nutrient profile for the intended animal species, GUARANTEES for substances not listed in that profile, or not otherwise provided for in this chapter, shall immediately follow the listing of the recognized nutrients and be accompanied by an asterisk (*).

(I) For any such GUARANTEES, a hairline shall be centered between the last and the next line of text;

(II) The disclaimer "*not recognized as an essential nutrient by the _____." (Blank is to be completed by listing the specific AAFCO-recognized nutrient profile) shall appear immediately after the last such GUARANTEED amounts.

(III) No such disclaimer shall appear unless an AAFCO-recognized nutrient profile is available for the specific species of SPECIALTY PET.

(IV) For a SPECIALTY PET FOOD that is intended to supply: Microorganisms, GUARANTEES shall be declared as CFU/g; and/or enzymes shall be declared as stipulated in WAC 16-250-036(7). The enzyme activity unit meaning should follow the disclaimer within the box.

(vi) The statement of nutritional adequacy shall appear immediately below the bold line separating it from the GUARANTEES as one of the following:

(A) For DAILY FOODS for those SPECIALTY PET species where no recognized nutritional authority exists, the statement: "This product is intended to be a daily food."

(B) For all other SPECIALTY PET FOODS:

(I) A statement substantiating that the SPECIALTY PET FOOD meets the requirements for nutritional adequacy in WAC 16-252-044 (2) or (3) by an AAFCO-recognized nutritional authority. It shall be stated verbatim

as the following: "(Name of product) is formulated to meet the nutritional levels established by [the AAFCO-recognized authority as referenced in WAC 15-252-044] for _____." (Blank is to be completed by stating the species and the stage(s) of the SPECIALTY PET'S life.);

(II) A nutritional or dietary claim for purposes other than those listed in WAC 16-252-044 (2) or (3) if the claim is scientifically substantiated; or

(III) The statement: "This product is intended for intermittent or supplemental feeding only.", if a product is suitable only for limited or intermittent or supplementary feeding.

(3) PET OR SPECIALTY PET FOOD SUPPLEMENTS: NUTRITION FACTS of a PET FOOD OR a SPECIALTY PET FOOD which is formulated as and represented to be a PET FOOD OR a SPECIALTY PET FOOD SUPPLEMENT shall include all of the information required in WAC 16-252-054 (2) or (3) except that GUARANTEES shall only be displayed on a per feeding unit (e.g., tablets, capsules, granules, or liquids) basis:

(a) For a FOOD SUPPLEMENT that is intended to be a source of nutrients, GUARANTEES shall appear for all nutrients that the product is intended to provide under the headers "Nutrients" that is left justified to the edge of the box and "per [feeding unit]" that is right justified to the edge of the box:

(i) For nutrients with an established requirement by an AAFCO-recognized nutrient profile, minimum GUARANTEES shall be declared in the same order and units (i.e., g, mg, or IU) specified in the AAFCO-recognized nutrient profile for the intended species; or

(ii) When no species-specific nutrient profile has been recognized by AAFCO, minimum GUARANTEES shall be declared in the same order and units (i.e., g, mg, or IU) specified in the AAFCO Cat Food Nutrient Profiles; and

(iii) GUARANTEES for substances not listed in an AAFCO-recognized nutrient profile for the intended animal species, or not otherwise provided for in these regulations, shall immediately follow the listing of the recognized nutrients and be accompanied by an asterisk (*).

(A) For any such GUARANTEES, a hairline shall be centered between the last and the next line of text;

(B) The disclaimer "*not recognized as an essential nutrient by the _____." (Blank is to be completed by listing the specific AAFCO-recognized nutrient profile) shall appear immediately after the last such GUARANTEED amounts. No such disclaimer shall appear unless an AAFCO-recognized nutrient profile is available for the specific species of SPECIALTY PET.

(b) For a FOOD SUPPLEMENT that is intended to supply microorganisms and/or enzymes, GUARANTEES shall be declared as specified in WAC 16-250-036 (7) or (8) on a per feeding unit (e.g., tablets, capsules, granules, or liquids) basis. The enzyme activity unit meaning should follow the disclaimer within the box.

(4) The sliding scale method of expressing a GUARANTEED amount on a PET FOOD OR SPECIALTY PET FOOD LABEL (for example, "Protein 15-18% Min") is prohibited.

(5) Protein, fat, calculated total carbohydrate, or dietary fiber are not required when the PET FOOD OR SPECIALTY PET FOOD is intended for purposes other than to furnish these substances or they are of minor significance relative to the primary purpose of the product, such as a mineral or vitamin supplement.

(6) For small packages with a total printable area of more than 12 square inches and less than or equal to 40 square inches, all information required in WAC 16-252-054 (1), (2), or (3) shall appear,

but may appear in a linear format. This information shall appear separate and distinct from any other information. In the linear format, the required information shall:

(a) Appear in the same order as required by WAC 16-252-054 (1), (2), or (3) but without the formatting described;

(b) Text shall be all black or one-color type and all text shall be the same size and style, except that the heading "Pet Nutrition Facts" or "Specialty Pet Nutrition Facts" shall be bolded;

(c) The text shall be sufficiently large so as to be conspicuous and must not be smaller than 1/6 inch;

(d) The GUARANTEED amount shall appear immediately after the amount "per [familiar household unit]" for each nutrient with the GUARANTEED amount enclosed in parentheses and all units clearly identified;

(e) The following abbreviations may be used: Total Carbohydrate as "Carb[†]," Dietary Fiber as "Fiber."

(7) For very small packages with a total printable area of less than or equal to 12 square inches, the information required elsewhere in WAC 16-252-036 is not required to appear on the LABEL. However, all information specified elsewhere in WAC 16-252-036 for the particular product type shall be determined and shall be submitted to the DEPARTMENT upon request. The following limited information is required to appear on the LABEL:

(a) This information shall appear separate and distinct from any other information;

(b) Text shall be all black or one-color type and all text shall be the same size and style, except that the heading "Nutrition Facts" shall be bolded;

(c) The text shall be sufficiently large so as to be conspicuous and must not be smaller than 1/16 inch;

(d) For PET FOODS, only total calories are required and shall be stated as:

(i) "Cal (calc): [#]" when the calorie content is determined in accordance with WAC 16-252-118 (1)(a); or

(ii) "Cal (fed): [#]" when the calorie content is determined in accordance with WAC 16-252-118 (1)(b).

(e) GUARANTEED amounts shall be stated in weight per entire contents (e.g., grams per pouch). The following required amounts stated as a maximum or minimum, as appropriate:

(i) "Protein" is crude protein;

(ii) "Fat" is crude fat;

(iii) "Carb" is calculated from [100 - (% Crude Protein + % Crude Fat + % Moisture + % Ash)];

(iv) "Fiber" is total dietary fiber;

(v) "Moisture" is moisture; and

(vi) Additional required or voluntary GUARANTEES shall follow moisture or ash, if listed, and shall comply with the requirements for such GUARANTEES in WAC 16-252-036 (1)(c), as appropriate, except that they shall be stated only in weight per entire contents.

WAC 16-252-064 Ingredients. (1) Each (~~(ingredient)~~) FEED INGREDIENT of a (~~(pet food or specialty pet food)~~) PET FOOD OR SPECIALTY PET FOOD shall be listed in the (~~(ingredient statement)~~) INGREDIENT STATEMENT as follows:

(a) The names of all (~~(ingredients)~~) FEED INGREDIENTS in the (~~(ingredient statement)~~) INGREDIENT STATEMENT shall be shown in letters or type of the same size, style and color, except where the defined name of the FEED INGREDIENT includes genus and species (e.g., microorganisms) which may be shown in italics;

(b) The (~~(ingredients)~~) FEED INGREDIENTS shall be listed in descending order by their predominance by weight in nonquantitative terms, except if the FEED INGREDIENT is a vitamin and/or mineral premix, the premix may be declared in order of predominance by the name "vitamins" or "minerals" as appropriate, followed by a parenthetical listing of all the vitamins and/or minerals in the premix, each in their order of predominance by weight as listed on the INGREDIENT STATEMENT of the premix LABEL;

(c) (~~(Ingredients shall be listed and identified by the name and definition established by AAFCO; and~~

~~(d) Any ingredient for which no name and definition have been so established shall be identified by the common or usual name of the ingredient.)~~ As published in the Official Feed Terms, Common or Usual Ingredient Names and Ingredient Definitions of Feed Ingredients in the AAFCO Official Publication or Common Food Index and Definitions of Feed Ingredients, except any FEED INGREDIENT for which no AAFCO FEED INGREDIENT name exists shall be identified by the common or usual name;

Any FEED INGREDIENT suitable for use in PET FOOD OR SPECIALTY PET FOOD for which there is a codified standard of identity in Title 9 or 21 of the Code of Federal Regulations shall be declared in accordance with the applicable regulation, which includes the name of the standardized food followed by a parenthetical listing of its FEED INGREDIENTS, if necessary, as provided in the regulation.

(2) The ingredient "meat," (~~(or)~~) "meat by-products," "poultry," or "poultry by-products" shall be qualified to designate the animal from which the meat or meat by-products are derived unless the (~~(meat or meat by-products)~~) FEED INGREDIENTS are derived from cattle, swine, sheep, goats, or any combination thereof or the poultry or poultry meal are derived from chickens, turkeys, ducks, geese, guineas, ratites, or squabs, or any combination thereof. For example, (~~(ingredients)~~) FEED INGREDIENTS derived from (~~(horses)~~) deer shall be listed as "~~(horsemeat)~~) venison" or "~~(horsemeat)~~) venison by-products(~~(-)~~)";

(a) For FEED INGREDIENTS consisting of fish, "fish meal," or "fish by-products," the name of the FEED INGREDIENT may include "fish" without further specification of the type of the fish or if it bears a name descriptive of its kind (e.g., "ocean whitefish" or by using the acceptable market name(s) or common name (but not any vernacular or slang names) of the individual fish species in the FEED INGREDIENT as established by the United States Food and Drug Administration (FDA Seafood List), it must correspond thereto; and

(b) For purposes of FEED INGREDIENT LABELING of PET FOOD OR SPECIALTY PET FOOD, "sugar" shall refer to sucrose, which is obtained from sugar cane or sugar beets in accordance with the provisions in Title 21 of the Code of Federal Regulations. For all other LABELING purposes outside the ingredient list, "sugar" shall be synonymous with "sugars" as defined in the AAFCO Official Feed Terms.

(3) (~~Commercial, copyrighted,~~) Brand or trade names shall not be used in the (~~ingredient statement~~) INGREDIENT STATEMENT.

(4) A reference to the quality (~~, nature, form, or other attribute of an ingredient~~) or grade of a FEED INGREDIENT shall not be allowed (~~when the reference meets all of the following:~~

~~(a) The designation is not false or misleading;~~

~~(b) The ingredient imparts a distinctive characteristic to the pet food or specialty pet food because it possesses that attribute; and~~

~~(c) A reference to quality or grade of the ingredient does not appear) in the ingredient statement.~~

(5) If there is no official definition for (~~an ingredient~~) a FEED INGREDIENT in the AAFCO Official Publication, then (~~an ingredient~~) a FEED INGREDIENT with an AAFCO tentative definition may be used.

(6) Each (~~ingredient~~) FEED INGREDIENT of a (~~pet food or specialty pet food~~) PET FOOD OR SPECIALTY PET FOOD must be listed separately. Collective terms may not be used on (~~pet food or specialty pet food labeling~~) PET FOOD OR SPECIALTY PET FOOD LABELING.

(7) (~~The term "degermed" must precede the name of any product from which germs were wholly or partially removed.~~

~~(8) When water is added in the preparation of canned pet food or specialty pet food, the water must be listed as an ingredient.) If properly used as specified by the USDA National Organic Program (7 C.F.R. Part 205), the term "organic" does not apply to WAC 16-250-064(4).~~

(8) A reference to the nature, form, or other attribute of a FEED INGREDIENT shall be allowed in the INGREDIENT STATEMENT when that attribute imparts a distinctive characteristic to the PET FOOD OR SPECIALTY PET FOOD.

(9) Any reference to the PERCENTAGE of a FEED INGREDIENT or combination of FEED INGREDIENTS, by symbol or word, in the brand or PRODUCT NAME or elsewhere on a PET FOOD OR SPECIALTY PET FOOD LABEL, shall be based in relation to the total weight of all FEED INGREDIENTS in the product.

(a) The names of the FEED INGREDIENT(S) shall appear in order of predominance by weight in the product, provided that names of flavors due to their varying intensity can be in any order.

(b) Where water sufficient for processing is excluded from the declared PERCENTAGE, the exclusion of water shall be indicated in words juxtaposed (side by side or next to each other) to, the same style and color text, and at least one-half the text size of the stated PERCENTAGE (e.g., "95% beef exclusive of water" or "95 PERCENT chicken and liver exclusive of water").

AMENDATORY SECTION (Amending WSR 18-21-191, filed 10/24/18, effective 11/24/18)

WAC 16-252-094 Drugs and pet food and specialty pet food additives. (1) An artificial color may be used in a (~~pet food or specialty pet food~~) PET FOOD OR SPECIALTY PET FOOD only if it has been shown to be harmless to (~~pets or specialty pets~~) PETS OR SPECIALTY PETS. The permanent or provisional listing of an artificial color in the United States Food and Drug Administration (FDA) regulations as safe for use, together with the conditions, limitations, and tolerances, if any, incorporated therein, shall be deemed to be satisfactory evidence that

the color is, when used pursuant to such regulations, harmless to ~~((pets or specialty pets))~~ PETS OR SPECIALTY PETS.

(2) Evidence may be required to prove the safety and efficacy or utility of a ~~((pet food or specialty pet food))~~ PET FOOD OR SPECIALTY PET FOOD which contains additives or ~~((drugs))~~ DRUGS, when used according to directions furnished on the ~~((label))~~ LABEL. Satisfactory evidence of the safety and efficacy of a ~~((pet food or specialty pet food))~~ PET FOOD OR SPECIALTY PET FOOD may be established:

(a) When the ~~((pet food or specialty pet food))~~ PET FOOD OR SPECIALTY PET FOOD contains such additives, the use of which conforms to the requirements of the applicable regulation in 21 C.F.R., or which are "prior sanctioned" or "informal review sanctioned" or "generally recognized as safe" for such use; or

(b) When the ~~((pet food or specialty pet food))~~ PET FOOD OR SPECIALTY PET FOOD itself is a ~~((drug))~~ DRUG or contains a ~~((drug))~~ DRUG as defined in RCW 15.53.901 and is "generally recognized as safe and effective" for the ~~((labeled))~~ LABELED use or is marketed subject to an application approved by the ~~((United States Food and Drug Administration))~~ FDA under 21 U.S.C. 360(b).

(3) When a ~~((drug))~~ DRUG is included in a ~~((pet food or specialty pet food))~~ PET FOOD OR SPECIALTY PET FOOD, the format required by WAC 16-250-014(4) for ~~((labeling medicated feeds))~~ LABELING MEDICATED FEEDS shall be used.

~~((4) Any pet food or specialty pet food ingredient or pet food or specialty pet food product must not contain materials that enhance the natural color of a food if it conceals inferiorities.))~~

AMENDATORY SECTION (Amending WSR 18-21-191, filed 10/24/18, effective 11/24/18)

WAC 16-252-106 Feeding directions. (1) ~~((Dog or cat food, including snacks or treats, labeled as complete and balanced for any or all life stages, as provided in WAC 16-252-044 (3)(a), except those pet foods labeled in accordance with WAC 16-252-044(4), shall list feeding directions on the product label. These directions shall be consistent with the intended use(s) indicated in the nutritional adequacy statement, unless a limited use or more limited life stage designation is declared elsewhere (e.g., "adult formula"). These directions shall be expressed in common terms and shall appear prominently on the label. Feeding directions shall, at a minimum, state, "Feed (weight/unit of product) per (weight only) of dog (or cat)." The frequency of feeding shall also be specified))~~ All PET FOODS and SPECIALTY PET FOODS shall bear feeding directions consistent with the purpose statement on the PRINCIPAL DISPLAY PANEL.

(2) ~~((When a dog or cat food is intended for use by or under the supervision or direction of a veterinarian, the statement: "Use only as directed by your veterinarian" may be used in lieu of feeding directions))~~ PET FOOD, including treats and FOOD MIXERS, LABELED as complete and balanced for any or ALL LIFE STAGES, as provided in WAC 16-252-044 (3)(a), except those PET FOODS LABELED in accordance with WAC 16-252-044(4), shall list feeding directions on the product LABEL. These directions shall be expressed in common terms and shall appear prominently on the LABEL. Feeding directions shall, at a minimum, include the amount of FAMILIAR

HOUSEHOLD UNIT of product per weight of (dog or cat). The frequency of feeding shall also be specified.

~~(3) ((Specialty pet food))~~ SPECIALTY PET FOOD, including ~~((snacks or))~~ treats or FOOD MIXERS, ~~((labeled))~~ LABELED as complete and balanced for any or ~~((all life stages))~~ ALL LIFE STAGES, as provided in WAC 16-252-044(1), or as a DAILY FOOD, shall list feeding directions on the product ~~((label))~~ LABEL. These feeding directions shall be adequate to meet the ~~((nutrient))~~ feeding requirements of the intended species of ~~((specialty pet as recommended by the AAFCO-recognized nutritional authority))~~ the SPECIALTY PET. These directions shall be expressed in common terms and shall appear prominently on the ~~((label))~~ LABEL. The frequency of feeding shall also be specified.

~~(4) ((Any pet food or specialty pet food labeled as "snacks" or "treats" that contains a drug, must))~~ PET FOOD OR SPECIALTY PET FOOD SUPPLEMENTS shall list feeding directions on the ~~((label))~~ product LABEL. The directions must be expressed in common terms and appear prominently on the ~~((label. Feeding directions must, at a minimum, state, "Feed (weight/unit of product) per (weight only) of dog (or cat)."~~ The frequency of feeding ~~must also be specified))~~ LABEL and, at minimum, include the quantity of feeding unit, e.g., tablets, capsules, granules, or liquids) per weight of animal. The frequency of feeding shall also be specified.

~~(5) ((Pet food and specialty pet food snacks and treats do not require feeding directions on the label except when they are labeled as "complete and balanced" or contain a drug.~~

~~(6) Feeding directions may be on the label for snacks and treats even when not required.)~~ When a PET FOOD OR SPECIALTY PET FOOD is intended for use by or under the supervision or direction of a veterinarian, the statement: "Use only as directed by your veterinarian" may be used in lieu of feeding directions.

AMENDATORY SECTION (Amending WSR 18-21-191, filed 10/24/18, effective 11/24/18)

WAC 16-252-118 ((Statements)) Determination of calorie content.

~~(1) ((The label of a dog or cat food, including snacks, treats, and supplements, shall bear a statement of calorie content and meet all of the following:~~

~~(a) The statement shall be separate and distinct from the "Guaranteed Analysis" and appear under the heading "Calorie Content";~~

~~(b)) The statement shall be ((measured)) determined in terms of metabolizable energy (ME) on an "as fed" moisture basis ((and must be expressed both as "kilocalories per kilogram" (kcal/kg) of product, and as kilocalories per familiar household measure (e.g., cans or cups) or unit of product (e.g., treats or pieces); and~~

~~(c) The calorie content is determined)) by one of the following methods then converted to Calories (kcal) per the FAMILIAR HOUSEHOLD UNIT (i.e., can, measuring cup, treat, or piece):~~

~~((i))~~ (a) By calculation using the following "Modified Atwater" formula: $ME \text{ (kcal/kg)} = 10[(3.5 \times CP) + (8.5 \times CF) + (3.5 \times NFE)]$, where ME = metabolizable energy, CP = % crude protein "as fed," CF = % crude fat "as fed," NFE = % nitrogen-free extract (carbohydrate) "as fed," and the ~~((percentages))~~ PERCENTAGES of CP and CF are the average values of these components in the product as determined by sound sci-

entific methods, such as, but not limited to, scientifically accurate calculations made from the formula of the product or upon chemical analysis of the product. The NFE is calculated as the difference between 100 and the sum of CP, CF, and the ~~((percentages))~~ PERCENTAGES of crude fiber, moisture and ash (determined in the same manner as CP and CF); or

~~((ii))~~ (b) In accordance with ~~((a))~~ testing ~~((procedure established))~~ procedures determined by AAFCO (indicated as "(fed)" in the PET NUTRITION FACTS.

~~((d))~~ (2) An affidavit shall be provided upon the request of the department substantiating that the calorie content was determined by:

~~((i))~~ (a) WAC 16-252-118 (1)(c)(i) in which case the summary data used in the calculation shall be included in the affidavit; or

~~((ii))~~ (b) WAC 16-252-118 (1)(c)(ii) in which case the summary data used in the determination of calorie content shall accompany the affidavit.

~~((e))~~ The calorie content statement shall appear as one of the following:

~~(i)~~ The heading "Calorie Content" on the label or other labeling shall be followed parenthetically by the word "calculated" when the calorie content is determined in accordance with (c)(i) of this subsection; or

~~(ii)~~ The heading "Calorie Content" on the label or other labeling shall be followed parenthetically by the word "fed" when the calorie content is determined in accordance with (c)(ii) of this subsection.

~~(2)~~ Comparative claims shall not be false, misleading, or given undue emphasis and shall be based on the same methodology for the products compared.)

(3) The calories from protein, fat, and carbohydrate as required in the PET NUTRITION FACTS are determined using the following calculation, then converted to Calories (kcal) per the FAMILIAR HOUSEHOLD UNIT (i.e., can, measuring cup, treat, or piece):

(a) Protein: $ME (kcal/kg) = 10(3.5 \times CP)$, where ME = metabolizable energy, CP = % crude protein "as fed" and the PERCENTAGE of CP is the average value in the product as determined by sound scientific methods, such as, but not limited to, scientifically accurate calculations made from the formula of the product or upon chemical analysis of the product.

(b) Fat: $ME (kcal/kg) = 10(8.5 \times CF)$, where ME = metabolizable energy, CF = % crude fat "as fed" and the PERCENTAGE of CF is the average value in the product as determined by sound scientific methods, such as, but not limited to, scientifically accurate calculations made from the formula of the product or upon chemical analysis of the product.

(c) Carbohydrate: $ME (kcal/kg) = 10(3.5 \times NFE)$, where ME = metabolizable energy, NFE is calculated as the difference between 100 and the sum of CP, CF, and the PERCENTAGES of crude fiber, moisture, and ash; CP = % crude protein "as fed," CF = % crude fat "as fed" and the PERCENTAGES are the average values of these components in the product as determined by sound scientific methods, such as, but not limited to, scientifically accurate calculations made from the formula of the product or upon chemical analysis of the product.

(4) Comparative claims shall not be false, misleading, or given undue emphasis and shall be based on the same methodology for the products compared.

WAC 16-252-121 Descriptive terms. (1) Calorie terms:

(a) "Light":

(i) A dog food product which bears on its ((label)) LABEL the terms "light," "lite," "low calorie," or words of similar designation shall:

(A) Contain no more than 3100 kcal ME/kg for products containing less than ((twenty percent)) 20 PERCENT moisture, no more than 2500 kcal ME/kg for products containing ((twenty percent)) 20 PERCENT or more but less than ((sixty-five percent)) 65 PERCENT moisture, and no more than 900 kcal ME/kg for products containing ((sixty-five percent)) 65 PERCENT or more moisture; and

(B) Include on the ((label a calorie content statement:

~~(I) In accordance with the format provided in WAC 16-252-118; and~~

~~(II) Which states no more than 3100 kcal ME/kg for products containing less than twenty percent moisture, no more than 2500 kcal ME/kg for products containing twenty percent or more but less than sixty-five percent moisture, and no more than 900 kcal ME/kg for products containing sixty-five percent or more moisture.~~

~~(C) Include on the label)) LABEL feeding directions which reflect a reduction in calorie intake consistent with the ((intended use)) purpose statement.~~

(ii) A cat food product which bears on its ((label)) LABEL the terms "light," "lite," "low Calorie," or words of similar designation shall:

(A) Contain no more than 3250 kcal ME/kg for products containing less than ((twenty percent)) 20 PERCENT moisture, no more than 2650 kcal ME/kg for products containing ((twenty percent)) 20 PERCENT or more but less than ((sixty-five percent)) 65 PERCENT moisture, and no more than 950 kcal ME/kg for products containing ((sixty-five percent)) 65 PERCENT or more moisture; and

(B) Include on the ((label a calorie content statement:

~~(I) In accordance with the format provided in WAC 16-252-118;~~

~~(II) Which states no more than 3250 kcal ME/kg for products containing less than twenty percent moisture, no more than 2650 kcal ME/kg for products containing twenty percent or more but less than sixty-five percent moisture, and no more than 950 kcal ME/kg for products containing sixty-five percent or more moisture; and~~

~~(III) Include on the label)) feeding directions which reflect a reduction in calorie intake consistent with the ((intended use)) purpose statement.~~

(b) "Less" or "Reduced Calories":

(i) A ((dog or cat food product)) PET FOOD product which bears on its ((label)) LABEL a claim of "less Calories," "reduced Calories," or words of similar designation, shall include on the ((label)) LABEL:

(A) The name of the product of comparison and the ((percentage)) PERCENTAGE of calorie reduction (expressed on an equal weight basis) explicitly stated and juxtaposed (side by side or next to each other) with the largest or most prominent use of the claim on each panel of the ((label)) LABEL on which the term appears;

(B) The comparative statement printed in type of the same color and style and at least one-half the type size used in the claim; and

~~(C) ((A calorie content statement in accordance with the format provided in WAC 16-252-118; and~~

(D)) Feeding directions which reflect a reduction in calories compared to feeding directions for the product of comparison.

(ii) A comparison between products in different categories of moisture content (i.e., less than (~~twenty percent, twenty percent~~) 20 PERCENT, 20 PERCENT or more but less than (~~sixty-five percent, sixty-five percent~~) 65 PERCENT, 65 PERCENT or more) is misleading.

(2) Fat terms:

(a) "Lean":

(i) A dog food product which bears on its (~~label~~) LABEL the terms "lean," "low fat," or words of similar designation shall:

(A) Contain no more than nine (~~percent crude~~) PERCENT fat for products containing less than (~~twenty percent~~) 20 PERCENT moisture, no more than seven (~~percent crude~~) PERCENT fat for products containing (~~twenty percent~~) 20 PERCENT or more but less than (~~sixty-five percent~~) 65 PERCENT moisture, and no more than four (~~percent crude~~) PERCENT fat for products containing (~~sixty-five percent~~) 65 PERCENT or more moisture;

(B) Include on the product (~~label~~) LABEL in the (~~guaranteed analysis~~) nutrient GUARANTEES:

(I) A maximum (~~crude~~) fat (~~guarantee~~) GUARANTEE immediately following the minimum (~~crude~~) fat (~~guarantee~~) GUARANTEE in addition to the mandatory (~~guaranteed analysis~~) information as specified in WAC 16-252-036 (1) (~~(a)~~) (c); and

(II) A maximum (~~crude~~) fat (~~guarantee~~) GUARANTEE which is no more than nine (~~percent crude~~) PERCENT fat for products containing less than (~~twenty percent~~) 20 PERCENT moisture, no more than seven (~~percent crude~~) PERCENT fat for products containing (~~twenty percent~~) 20 PERCENT or more but less than (~~sixty-five percent~~) 65 PERCENT moisture, and no more than four (~~percent crude~~) PERCENT fat for products containing (~~sixty-five percent~~) 65 PERCENT or more moisture.

(ii) A cat food product which bears on its (~~label~~) LABEL the terms "lean," "low fat," or words of similar designation shall:

(A) Contain a maximum (~~percentage~~) PERCENTAGE of (~~crude~~) fat which is no more than (~~ten percent crude~~) 10 PERCENT fat for products containing less than (~~twenty percent~~) 20 PERCENT moisture, no more than eight (~~percent crude~~) PERCENT fat for products containing (~~twenty percent~~) 20 PERCENT or more but less than (~~sixty-five percent~~) 65 PERCENT moisture, and no more than five (~~percent crude~~) PERCENT fat for products containing (~~sixty-five percent~~) 65 PERCENT or more moisture; and

(B) Include on the product (~~label~~) LABEL in the (~~guaranteed analysis~~) nutrient GUARANTEES:

(I) A maximum (~~crude~~) fat (~~guarantee~~) GUARANTEES immediately following the minimum (~~crude~~) fat (~~guarantee~~) GUARANTEES in addition to the mandatory (~~guaranteed analysis~~) information as specified in WAC 16-252-036 (1) (~~(a)~~) (c); and

(II) A maximum (~~crude~~) fat (~~guarantee~~) GUARANTEES which is no more than (~~ten percent crude~~) 10 PERCENT fat for products containing less than (~~twenty percent~~) 20 PERCENT moisture, no more than eight (~~percent crude~~) PERCENT fat for products containing (~~twenty percent~~) 20 PERCENT or more but less than (~~sixty-five percent~~) 65 PERCENT moisture, and no more than five (~~percent crude~~) PERCENT fat for products containing (~~sixty-five percent~~) 65 PERCENT or more moisture.

(b) "Less" or "Reduced Fat":

(i) A (~~dog or cat food~~) PET FOOD product which bears on its (~~label~~) LABEL a claim of "less fat," "reduced fat," or words of similar designation, shall include on the (~~label~~) LABEL:

(A) The name of the product of comparison and the ~~((percentage))~~ PERCENTAGE of fat reduction (expressed on an equal weight basis) explicitly stated and juxtaposed with the largest or most prominent use of the claim on each panel of the ~~((label))~~ LABEL on which the term appears;

(B) The comparative statement printed in type of the same color and style and at least one-half the type size used in the claim; and

(C) A maximum ~~((crude fat guarantee in the guaranteed analysis))~~ GUARANTEE immediately following the minimum ~~((crude))~~ fat ~~((guarantee))~~ GUARANTEE in addition to the mandatory ~~((guaranteed analysis))~~ information as specified in WAC 16-252-036 (1) ~~((a))~~ (c).

(ii) A comparison on the ~~((label))~~ LABEL between products in different categories of moisture content (i.e., less than ~~((twenty percent, twenty percent))~~ 20 PERCENT, 20 PERCENT or more but less than ~~((sixty five percent, sixty five percent))~~ 65 PERCENT, 65 PERCENT or more) is misleading.

(3) Carbohydrate terms:

(a) "Low" carbohydrate, dietary starch, and sugars claims. A claim of "low carbohydrates," "low dietary starch," "low sugars" (or a combination thereof) is not allowed.

(b) "Less" or "reduced" carbohydrates, dietary starch, and sugars claims.

(i) A PET FOOD product that bears on its LABEL a claim of "less _____" or "reduced _____" (blank is to be completed by using "carbohydrates," "dietary starch," or "sugars"), or words of similar designation, shall include on the LABEL:

(A) The name of the product of comparison and the PERCENTAGE of reduction in total dietary starch plus sugars (expressed on an equal weight basis) explicitly stated and juxtaposed with the largest or most prominent use of the claim on each panel of the LABEL on which the term appears; and

(B) The comparative statement printed in type of the same color and style and not less than one-half the size used in the claim; and

(C) Maximum GUARANTEES for dietary starch and sugars as stated in WAC 16-252-036 (1) (c).

(ii) A comparison between products in different categories of moisture content (i.e., less than 20 PERCENT, 20 PERCENT or more but less than 65 PERCENT, 65 PERCENT or more) is misleading.

AMENDATORY SECTION (Amending WSR 18-21-191, filed 10/24/18, effective 11/24/18)

WAC 16-252-122 Guarantor—Manufacturer or distributor—Name and address.

(1) The ~~((label))~~ LABEL of a ~~((pet food or specialty pet food))~~ PET FOOD OR SPECIALTY PET FOOD shall specify the business or corporate name and address of the GUARANTOR which may be the manufacturer or distributor. When the PET FOOD OR SPECIALTY PET FOOD IS NOT MANUFACTURED by the PERSON whose name appears on the LABEL, the name shall be qualified by a phrase that reveals the connection such PERSON has with such food; such as "Manufactured for _____," "Distributed by _____," or any other wording that expresses the facts. The statement of the place of business shall include the street address, city, state, ~~((and))~~ zip code, and phone number; however, the street address may be omitted if such

street address is shown in a ((current city directory or telephone directory for the city listed on the label)) readily accessible, widely published, and publicly available resource including, but not limited to, a printed directory, electronic database, or website.

(2) When a ((person manufactures or distributes a pet food or specialty pet food)) PERSON MANUFACTURES, packs or distributes a PET FOOD OR SPECIALTY PET FOOD in a place other than the principal place of business, the ((label)) LABEL may state the principal place of business in lieu of the actual place where each package of such ((pet food or specialty pet food was manufactured)) PET FOOD OR SPECIALTY PET FOOD WAS MANUFACTURED or packaged or from where each package is to be ((distributed)) DISTRIBUTED.

NEW SECTION

WAC 16-252-125 Handling and storage instructions. (1) A PET FOOD OR SPECIALTY PET FOOD product which bears handling and storage instructions shall display such instructions under the bolded header "Handling and Storage Instructions:" that is separate and distinct from any feeding directions. A header is not required for small packages with a total printable area less than 40 square inches. If any graphics are used to support handling and storage instructions, only the following graphics with the accompanying text, may be included, with the handling and storage instructions section, as applicable. The graphics (black and white or color) with accompanying text shall be obtained from the AAFCO website: <https://www.aafco.org/pflm/>.



(2) The handling and storage instructions, if present, shall be displayed in a conspicuous manner so to render them likely to be read under typical conditions of use. Any use of the handling and storage instructions graphics shall be no smaller than:

Panel Size	Minimum Graphic Size (top of circle to bottom of text)
≤40 in. ²	1/2 in.
>40 - ≤100 in. ²	1 in.
>100 - ≤400 in. ²	1 3/4 in.

Panel Size	Minimum Graphic Size (top of circle to bottom of text)
>400 in. ²	2 in.

AMENDATORY SECTION (Amending WSR 18-21-191, filed 10/24/18, effective 11/24/18)

WAC 16-252-136 Adulterants. (1) The ((department)) DEPARTMENT adopts: 21 C.F.R. Chapter I, Part 589, Substances Prohibited from Use in Animal Food or Feed.

(2) For the purpose of RCW 15.53.902, the terms "poisonous or deleterious substances" include, but are not limited to, the following:

(a) When screenings are added to a ((pet food or specialty pet food)) PET FOOD OR SPECIALTY PET FOOD, the screening must not contain any seed, pesticide, or other product that renders it adulterated within the meaning of RCW 15.53.902; and

(b) Be ground fine enough or otherwise treated to destroy the viability of the noxious weed seeds contained in the screening so that the finished product contains no more than one viable prohibited noxious weed seed per pound and not more than ((twenty-five)) 25 viable restricted noxious weed seeds per pound.

(3) For purposes of this chapter, prohibited noxious weed seeds are those listed in WAC 16-301-045 (prohibited noxious weed seeds) and restricted noxious weed seeds are those listed in WAC 16-301-050 (restricted noxious weed seeds).

(4) ((Pet food or specialty pet food)) PET FOOD OR SPECIALTY PET FOOD containing raw or unprocessed animal waste is adulterated under this chapter.

(5) In addition to the requirements under subsection (2) of this section, the terms "poisonous substances" or "deleterious substances" as used in RCW 15.53.902 include, but are not limited to, any ((ingredient)) FEED INGREDIENT that contains more than ((twenty)) 20 parts per billion aflatoxin B1, B2, G1, G2, individually or in total.

AMENDATORY SECTION (Amending WSR 18-21-191, filed 10/24/18, effective 11/24/18)

WAC 16-252-148 Current good manufacturing practices and hazard analysis and risk-based preventive controls. The ((department)) DEPARTMENT adopts the following as current good manufacturing practices:

(1) The requirements of 21 C.F.R. Part 507 - Current good manufacturing practice, hazard analysis, and risk-based preventive controls for food for animals.

(2) The requirements of 21 C.F.R. Part 113 - Thermally processed low-acid foods packaged in hermetically sealed containers.

(3) The regulations and requirements governing emergency permit control in 21 C.F.R. Part 108.

AMENDATORY SECTION (Amending WSR 18-21-191, filed 10/24/18, effective 11/24/18)

WAC 16-252-164 Recordkeeping requirements. Records relating the ~~((lot identifier to the))~~ LOT IDENTIFIER, manufacture, processing, packing, distribution, receipt, ~~((or))~~ holding, registration, and substantiation of the product must be kept for two years after the last date of distribution, unless otherwise specified.

AMENDATORY SECTION (Amending WSR 20-03-110, filed 1/15/20, effective 2/15/20)

WAC 16-252-178 Registration requirements. (1) Any ~~((person))~~ PERSON who ~~((distributes a pet food or specialty pet food))~~ DISTRIBUTES a PET FOOD OR SPECIALTY PET FOOD in or into this state must register the product with the department as required under RCW 15.53.9014.

(2) The registration application, which includes renewal applications, must be complete, accurate, legible, and submitted ~~((on a form))~~ as prescribed by the ~~((department.~~

~~((3) The registration application must include))~~ DEPARTMENT and includes (at a minimum):

(a) The name, mailing address, physical address, and contact information of the applicant;

(b) The name, mailing address, physical address, ~~((and))~~ contact information, and FDA Establishment Identifier (FEI) number and/or unique business identifier (UBI) of the ~~((guarantor))~~ GUARANTOR;

(c) The name, mailing address, physical address, ~~((and))~~ contact information, and FDA Establishment Identifier (FEI) number and/or unique business identifier (UBI) of the manufacturer;

(d) Type of activities the manufacturer is engaged in:

(i) Species of animals the ~~((facility manufactures))~~ FACILITY MANUFACTURES products for the ~~((guarantor))~~ GUARANTOR;

(ii) Types of product the ~~((facility))~~ FACILITY handles.

(e) Package size:

(i) Number of products ~~((distributed))~~ DISTRIBUTED only in packages of ~~((ten))~~ 10 pounds or more;

(ii) Number of products ~~((distributed))~~ DISTRIBUTED both in packages of less than ~~((ten))~~ 10 pounds and/or packages of ~~((ten))~~ 10 pounds or more.

(f) Applicant's signature;

(g) Date signed;

(h) Electronic product ~~((label(s)))~~ LABEL(S) named in accordance with the specified naming convention; and

(i) Registration fees and late fee(s) as specified in RCW 15.53.9014(3).

~~((4) Registration application forms can be obtained from the department online at <https://agr.wa.gov/departments/animals-livestock-and-pets/animal-feed/pet-food-registration> by emailing the animal feed program at petfood@agr.wa.gov, or by phone at 360-902-1844.))~~ (3) Currently registered PET FOOD and SPECIALTY PET FOOD products are required to be submitted as new products if there are changes to the LABEL that go beyond the QUANTITY STATEMENT or minor graphics changes.

If both a new version of the LABEL, and an old version of the LABEL are in distribution at the same time, both versions are required to be registered until the old version is no longer in the channels of distribution. At that time the old version may be withdrawn from the registration.

(4) Registration application forms can be obtained from the DEPARTMENT online at <https://agr.wa.gov/departments/animals-livestock-and-pets/animal-feed/forms>; by emailing the animal feed program at petfood@agr.wa.gov, or by phone at 360-902-1844.

AMENDATORY SECTION (Amending WSR 20-03-110, filed 1/15/20, effective 2/15/20)

WAC 16-252-182 Semi-annual feed distribution reporting requirements and inspection fees. (1)(a) Each registrant must file a semi-annual report on forms provided by the ((department)) DEPARTMENT setting forth the number of ((tons of pet food or specialty pet food distributed)) TONS OF PET FOOD OR SPECIALTY PET FOOD DISTRIBUTED in or into this state as required by RCW 15.53.9018.

(b) The report must include the amount of ((pet food or specialty pet food distributed)) PET FOOD OR SPECIALTY PET FOOD DISTRIBUTED by type of species and product category, applicant's signature, and date signed.

(2) An inspection fee of ((twelve cents)) 12 cents per ((ton)) TON on all ((pet food or specialty pet food sold for distribution)) PET FOOD OR SPECIALTY PET FOOD DISTRIBUTED in or into this state during the year must accompany the semi-annual report.

(3) The minimum inspection fee, the late fee, and exceptions to payment of the fee are described in RCW 15.53.9018.

(4) Reports where no fees are due may be submitted electronically (via email) in accordance with the specified naming convention.

(5) Semi-annual reporting forms can be obtained online at <https://agr.wa.gov/departments/animals-livestock-and-pets/animal-feed/forms>; by emailing the animal feed program at petfood@agr.wa.gov; or by phone at 360-902-1844.

((+5)) (6) Any reports and associated fees may be submitted to the department by mail to:

Washington State Department of Agriculture
Animal Feed Program
P.O. Box 42591
Olympia, WA 98504-2591

NEW SECTION

WAC 16-252-185 Refunds. (1) Any PERSON may request a refund if they can show a specified amount over \$50 was paid in error. Refund requests must be received in writing to the DEPARTMENT at the address referenced in WAC 16-252-182(5) or emailed to petfood@agr.wa.gov within 90 calendar days of the payment and include the following information:

(a) Name and address of applicant.

- (b) Total amount of refund request with rationale.
- (c) Dated, proof of payment, e.g., check number.
- (2) If approved, the DEPARTMENT must process the requested funds within 60 business days.

AMENDATORY SECTION (Amending WSR 18-21-191, filed 10/24/18, effective 11/24/18)

WAC 16-252-194 Access to publications adopted under this chapter. (1) Electronic access to 21 C.F.R. is available at (~~(<https://www.gpo.gov/fdsys/search/home.action>)~~) <https://www.ecfr.gov/current/title-21>. Print copies of the titles can be purchased from the U.S. Government Bookstore online at <https://bookstore.gpo.gov/catalog/laws-regulations/code-federal-regulations-cfrs-print>. If you do not have electronic access, contact:

U.S. Government Publishing Office
P.O. Box 979050
St. Louis, MO 63197-9000
Phone 1-866-512-1800

(2) Online and print copies of the AAFCO *Official Publication* can be purchased from AAFCO online at <http://www.aafco.org/Publications>. If you do not have electronic access, print copies can also be purchased from:

AAFCO
1800 South Oak Street, Suite 100
Champaign, IL 61820
Phone 217-356-4221

(3) A copy of these publications are available for inspection at:

Washington State Department of Agriculture
Natural Resources Building
1111 Washington Street S.E.
Olympia, WA 98504-2560

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-252-036 Expression of guarantees.