

Regulatory Services News

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Feed - Fertilizer - Milk - Seed - Seed Testing - Soil Testing

Winter 2016

Director's Digest

We are less than two months away from the new Veterinary Feed Directive (VFD) rules being implemented. We at Regulatory Services have and will be participating in several meetings and webinars discussing this topic. I am surprised when I attend these meetings how many people are still unclear about what to do. My hope is that our feed dealers and distributors will spend these last two months making a concerted effort to help producers be ready for these changes in the coming year.

Below are some things you can do to help ease the transition:

Establish a VFD contact person within your company. This person should be very familiar with the rules and be the contact person for both customers and customer service personnel. They should have an inventory of informational material available for all affected. Feedstuffs and Elanco have an excellent website concerning the VFD rules and the FDA has brochures available for producers, dealers and veterinarians. Links to both of these websites plus other information and forms we have developed are available on our website at <http://www.rs.uky.edu/regulatory/feed/VetDirective.php>. In addition this person will need to educate customer service person-

nel on how to know which products require a VFD prior to sale.

Educate your customers on the importance of establishing a valid Veterinary Client Patient Relationship (VCPR). A recent survey from Cattle Fax stated that 20% of producers could not say that they had a stable relationship with their local veterinarian. Another survey from Kansas State University involving over 200 producers nationwide showed that only 23% of producers said they had a signed veterinary-client-patient relationship with their veterinarian. Producers are advised to have a valid relationship established ahead of needing a VFD drug. It would be a good service for feed dealers to have a list of local veterinarians who are willing to write VFD's.

Inventory your VFD products on hand. Hopefully your medication suppliers have worked with you on making sure you have the proper inventory on hand come January 1. Remember that products containing VFD drugs must have the following statement on the label:

(continued on page 3)

What's inside. . .

Division Contact Information	2
Fertilizer Product Registration	3
Inspector News	4
Testing Agricultural Limestone in Kentucky	4
What is in a Variety Name	5
Frequent VFD Questions	6
Fertilizer Survey & Personnel Changes	8

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Beginning Jan. 1, 2017:

This product will require a veterinary feed directive issued by a licensed veterinarian and will be subject to the following restriction:

“Caution: Federal law restricts medicated feed containing this veterinary feed directive (VFD) drug to use by or on the order of a licensed veterinarian.” *

This product will no longer be approved for the indication of: increased rate of weight gain and improved feed efficiency, which means the use of this product for these purposes will no longer be legal after that date.

*21 CFR 555.6 (a)(6)

You will also need to make sure that labels you generate for your own products are correct come January 1. Producers need to understand that they can purchase affected medicated feeds without a VFD up until December 31, 2016 but a VFD is required for them to legally use these feeds after the end of this year.

Inventory your water soluble products. Remember that water soluble VFD drugs will require a prescription after January 1. Work with your supplier on what to do with inventory you have remaining. If you will not be filling prescriptions, consider developing a list of where these products will be available for your customers.

Establish record keeping procedures. Remember that copies of the VFD must be kept for two years. If the distributor manufactures the VFD feed they must also keep VFD feed manufacturing records for 1 year. Records will also need to be kept on VFD feed orders that are only partially filled. A procedure should be in place for keeping these records by January 1, 2017.

The Veterinary Feed Directive is a consumer driven rule and whether we like it or not will be upon us very soon. Those feed distributors who help their customers prepare for the new rules will have a much easier transition than those who don't.

Dr. Harrison's article later in this newsletter covers some commonly asked questions about the Veterinary Feed Directive. Please let us know of anything we can do to help you or your customers transition to this new regulation.

***Dr. Darrell Johnson,
Executive Director***

**FERTILIZER PRODUCT REGISTRATION
FOR 2017 IN KENTUCKY**

All Kentucky fertilizer registrations and licenses expire on December 31, 2016 and must be renewed to legally sell fertilizer in the state for 2017. Renewal notices to all current Kentucky registrants/licensees will be mailed or emailed mid November to the first of December. The renewals list all products registered in the state for 2016, all licenses approved for 2016, and instructions for completing the task.

BE ON THE LOOK-OUT FOR YOUR RENEWAL NOTICE

As always, if you have questions
Call: 859 257-2785,
Fax: 859 257-9478, or
E-Mail: June.Crawford@uky.edu

***Stephen McMurry,
Director of Fertilizer and Seed Programs***

Inspector News

The inspectors have had a busy summer. In June they attended the Association of Southern Feed, Fertilizer and Pesticide Control Officials meeting held in Lexington. This was an opportunity for the inspectors to obtain some training on topics related to feed and fertilizer.

Dr. John Grove, University of Kentucky gave a presentation on “New Developments with Nitrifications and Urease Inhibitors”. There was also a presentation by the Environmental Management Department from the University of Kentucky on “The DOT Rules and Regulations for Shipping Ammonium Nitrate”.

Jeff Pendleton from Hallway Feeds gave a presentation about “Feeding the Kentucky Equine Industry”. Dr. Alan Harrison, Division of Regulatory Services gave a presentation on “Animal Nutrition and Feed Labeling” and also led an open discussion with the group on “The Implementation of the New VFD Rules”.

In July the inspectors attended the annual Division of Regulatory Services Inspector meeting in Bowling Green, KY. Steve McMurry discussed the changes to the KY seed law relating to cool season grasses and new labeling requirements. Diane McDaniel from FDA spent time discussing the upcoming changes from FDA on feed regulations. The inspectors received information on the “Fact Sheet on Preventative Controls”, the “Fact Sheet on Transportation Rules”, the “Animal Feed Regulatory Program Standards” and the “New VFD Regulations”.

The inspectors have also been able to watch several webinars this summer on FSMA regulations and VFD regulations.

The inspectors have FACT sheets and information to assist you if you have any questions about any of the changes to FDA feed regulations and requirements for both FSMA and VFD.

Our 9 inspectors have a total of 151 years of experience:

John Flood	30 years
Dave Mason	29 years
Terry Prather	23 years
Brad Johnston	19 years
Bob Hickerson	18 years
Mark Barrow	12 years
Warren Pinkston	11 years
Bart Young	5 years
Nathan Keith	4 years

Congratulations to John Flood for his 30 years of dedicated service to the Division of Regulatory Services.

***Jim True,
Inspector Coordinator***

Testing Agricultural Limestone in Kentucky

The Kentucky Department of Agriculture is the organization that oversees the Kentucky Agricultural Limestone Law (KRS 250.650 to 250.720). The law oversees companies that mine and process limestone for selling as a material to neutralize soil acidity. Agricultural limestone from registered producers is sampled and tested once in the spring and once in the fall. Our division has cooperated with KDA over the years on the limestone program with publishing results, including results in soil test reports, and educating the agricultural community. The cooperation in the program took a step further this fall with our Division conducting the field sampling and laboratory analysis.

Limestone was collected and analyzed from 76 registered producers. Testing lime quality involves analysis of chemical and physical properties. The chemical property is the calcium carbonate equivalence often abbreviated as CCE. Pure calcium carbonate has a 100% CCE value.

Ag Lime, continued

Because ag lime can contain minerals other than calcium carbonate, this value is usually less than 100%. The range of values from this past fall testing was from 81 to 100 % CCE. The closer the value is to 100%, the better. The physical property is the size of the particles. The finer particles have greater power in neutralizing soil acidity because they are more widely disbursed when applied to soil and they dissolve faster. Particles that are less than 0.3 mm in diameter are optimal. The percent of particles less than 0.3 mm in the samples tested this past fall ranged from 15 to 81%.

The overall quality of ag lime is evaluated with one value known as the relative neutralizing value, or RNV for short. The RNV takes into account both the chemical and physical properties and is presented as a percent. Ag lime with a 50% RNV is only half as effective than 100% RNV lime. Twice as much 50% RNV lime would need to be applied per acre to be as effective as the 100% RNV lime. The RNV values from this past fall ranged from 34 to 93% with an average of 64%. Such a wide range in quality of ag lime emphasizes the importance of frequent testing of ag lime to inform producers and consumers of the quality of ag lime being purchased.

Publication of the limestone results can be found on our web site at http://soils.rs.uky.edu/technical_Info/. This report also contains useful links on calculating economic consequences of lime application and importance of ag lime in improving soil fertility.

Dr. Frank Sikora,
Director of Soils Program and Laboratories

What is in a Variety Name

A variety of a seed kind can be named almost anything. Kentucky 31 Tall Fescue was named for the state in which it was found (Kentucky) and year of discovery (1931). But the characteristics of Kentucky 31 will not change over years. It will always have the characteristics of drought resistance, easy

to establish, medium green in color with coarse-textured blades. When choosing seed to plant; knowing the variety and characteristics of that variety are essential.

The Kentucky Seed Law also allows for a variety designation of “Unknown” or “Variety Not Stated”. When a variety is indicated as Unknown, it is exactly that, Unknown. For seed lots designated as Unknown, the seed labeler is declaring that no variety information is known about the seed lot. In the fall, we see many seed lots designated as Unknown, usually the seed is being sold as a cover crop. When a seed labeler declares Variety Not Stated they are indicating that the variety is known but for some reason are not declaring the variety on the seed lot. In KY all soybean seed, except black soybean (hay bean) seed has to be labeled by variety name. A hybrid designation, when applicable, can be used in place of variety names as well.

USDA has the following guidelines when determining a new variety name:

- A variety can only have one name.
- The same name cannot be given to more than one variety of the same kind or a closely related kind. Kinds of the same species such as pumpkin and squash, field corn and sweet corn, and garden bean and field bean cannot have varieties with the same name. Closely related kinds that are known to intercross such as wheat and triticale cannot have varieties with the same name.
- A variety name cannot be misleading such as a name that is similar to an existing name but differs only in spelling or punctuation.
- Varieties with names derived from the name of an existing variety must be closely related to the existing variety.

Continued on page 6

Variety name, continued

- The same variety name cannot be used for different kinds of cool season turfgrass such as fescues, bluegrasses, ryegrasses and bentgrass.
- The same name cannot be assigned to more than one kind of warm season turfgrass such as bermudagrass and zoysia.
- Variety names may contain trademarks, but the trademark status is lost in the sense that anyone marketing seed of that variety must use the entire variety name including the trademark.
- A trademark symbol or registered trademark symbol cannot be displayed in the variety name.
- A trademark by itself cannot be a variety name and a variety name cannot be trademarked.

Additional information on seed varieties and the Federal Seed Act can be found at the following link:
<https://www.ams.usda.gov/rules-regulations/fsa>

*Stephen McMurry,
Director of Fertilizer and Seed Programs*

Frequently Asked Questions on the New Veterinary Feed Directive Rules

On January 1, 2017, the new veterinary feed directive (VFD) rules on antibiotics in animal feed and water will take effect. Over the past 3 years, I've written about the Food and Drug Administration (FDA) 3-year plan that will change the use of certain antibiotics for food animals. These are some of the more frequently asked questions regarding implementation of these new regulations.

Can a VFD be written for someone other than the owner of the animals?

- The "client" is the owner or other caretaker and client name and address should reflect person responsible for feeding the animals.
- An FFA or 4H advisor could be considered the caretaker if they are taking responsibility for care and feeding of animals.

Can a small animal vet or a vet working for a drug or feed company write a VFD?

- Yes, as long as there is a valid veterinary-client-patient relationship (VCPR) between the producer and the vet and the vet is licensed to practice in the state.
- Keep in mind that the Kentucky VCPR includes phrasing such as knowledge of animals, personally acquainted with keeping and care, timely visits, and readily available for follow-up.

Can a VFD be written for a client when the same feed is fed at multiple locations?

- Yes, as long as: 1) there is a valid VCPR in place, 2) the feed is from a single distributor, and 3) the vet is authorizing the same use for all animals fed the VFD feed.

Can multiple feed mills be involved with filling a VFD?

- The producer makes the decision on where to take the VFD or where to have vet send the VFD.
- The intent is that the producer (or vet) gives the VFD to the only distributor filling the entire order and different feed mills would require different VFD's.

Can a VFD be written for either the pioneer or generic drug?

- A veterinarian may choose to specify a trade name drug, an approved generic drug, or the established name of the drug.
- If a trade name or an approved generic drug is not specified, the manufacturer may choose either.
- Caution: all generic drugs are not approved for all combinations or for all formulations.

Does the feed mill need to monitor the amount of feed the customer buys under a VFD?

- A VFD is written for the approximate number of animals to be fed, not total amount of feed.
- The vet, producer, and feed mill are expected to work together to determine approximate amount of feed needed to fill the order.

VFD Questions, continued

What's the difference between duration of feeding and expiration date?

- Duration of feeding is based on the drug and indication for use.
- Expiration date is last date the VFD feed can be legally used by producer.
- Maximum expiration date for VFD is 6 months but may be less based on drug involved.

Can a producer purchase a VFD feed in December and feed it in January?

- Yes, but after 1/1/17, a VFD authorizing feeding is needed.
- It does not matter whether or not the product is labeled as a VFD feed, only that the law changed on 1/1/17.

Does a producer need a VFD to purchase a Type A drug?

- A Type A drug is used as the source of a drug in a medicated feed and is not considered a feed.
- A producer mixing their own medicated feed on farm does not need a VFD to purchase the Type A drug but they need a valid VFD to feed the medicated feed produced with the drug.

Who is responsible for enforcing the VFD regulations?

- FDA is responsible for enforcement and this will be "phased" enforcement. They will start with education and training and then move to risk-based surveillance and for-cause inspection.
- FDA will work closely with both state regulators and state boards of veterinary medicine.
- Kentucky is not currently under contract with FDA to conduct VFD inspections.

How will UK Regulatory enforce new VFD regulations?

- For medicated feeds requiring a VFD but without proper VFD labeling, products will be withdrawn from distribution until re-labeled.
- For medicated feeds with drug on VFD list

and only weight gain / feed efficiency claims, products will be withdrawn from distribution. These products cannot be relabeled. Mislabeled products may be considered adulterated under the Kentucky Feed Law (KRS 250.541(2)(e)).

For more on the new VFD regulations

VFD Central: <http://feedstuffs.com/vfd.aspx>

University of Kentucky Regulatory Services: <http://www.rs.uky.edu>

*Dr. Alan Harrison,
Director of Feed and Milk Programs*

Education Meetings on the Veterinary Feed Directive

The following are educational meetings we have participated in or have coming up. Please let us know if you would like to attend any of the upcoming VFD meetings:

VFD Meetings for producers

Mercer County Cattlemen	Oct 25
Bath County Cattlemen	Oct 25
UK Beef Conference	Nov 3
Washington County Cattlemen	Nov 10

VFD Meetings for Feed Distributors

Lexington	Nov 1
Glasgow	Nov 14
Somerset	Nov 17
Princeton	Nov 18

*Have a Great Thanks-
giving
and a Merry Christmas*



SURVEY OF COMMERCIAL VALUES OF FERTILIZER NUTRIENTS

Over the next few weeks you will receive or you may have already received a survey to determine the commercial values of fertilizer nutrients. Under the provisions of KRS 250.401, I am conducting a survey to determine the commercial values of the fertilizer nutrients for Calendar Year 2017. This survey is of utmost importance for the Division as well as the retail community of fertilizer sales. The values will be published and used in determining and assessing penalty payments if needed. Due to the fluctuating prices over the past several years it is important that we include as many surveys as possible. Our inspection staff will be asking if you have received and/or responded to this survey. Please note that we want the current retail value of fertilizers in dollars per ton. All information will,

of course, be held in strict confidence. You can give the survey to your respective inspector or fax to 859-257-9478 to the attention of Steve McMurry or e-mail to smcmurry@uky.edu.

Last year's values are located on our website below:

<http://www.rs.uky.edu/regulatory/fertilizer/index.php>

*Stephen McMurry,
Director of Fertilizer and Seed Programs*

Regulatory Services Personnel Changes

Retiring Employee



Paula Hill retired from Regulatory Services on October 4. Paula worked as a Soil Lab Technician at Princeton from 1982-91. She then worked as a 4-H youth agent in Trigg county from 1991-95 before coming back to the soils lab in '95. Paula became the Soils Lab Supervisor in 2000. She will continue working part time on a post retirement appointment until the end of this year.

We thank Paula for her many years of dedicated service to our Division and the farmers that the soils lab serves. She is shown in the picture receiving a plaque for her service from Dr. Frank Sikora (the tall one) and Dr. Johnson.

New Employees



Amanda Martin started as the Soils Lab Supervisor at Princeton on October 24, 2016. Amanda has a B. S. in Environmental Science from Iowa State University and an M.S. in Plant and Soil Science from the University of Kentucky. Amanda had worked previously at Princeton as a Research Assistant where she worked with the Soybean Management Verification Program. She also has experience working as lab agronomist in a commercial lab and as a fitness instructor. Amanda brings a lot of experience to our lab and we are glad to have her back at Princeton.

Amanda is living in Eddyville. She enjoys the outdoors and is an avid Kayaker and gardener.



Patrick Coslow started with us in October as a Programmer Systems Analyst. He joins our IT group and will be developing, documenting and maintaining the many software programs we use in the Division. Patrick has a degree in Computer Programming and comes to us from Wausau Paper in Harrodsburg.

Patrick and his wife Jennifer live in Harrodsburg along with their 6-year old son Dylan. When he is not working on computer programs, Patrick enjoys watching UK sports and restoring old cars.

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