

Subject: Farmer's Market Coordinators - Vendors Making Home Made Pet Treats

Hello Farmer's Market Coordinators,

I am the animal feed program specialist at the Wisconsin Department of Agriculture, Trade and Consumer Protection. I am frequently asked if making and selling homemade pet treats requires any sort of license or if there are any labeling requirements. The answer to both questions is YES. I am hoping that you may be able to pass the word along to your vendors, or at least pass on my contact information to anyone with questions. A commercial feed license is required for anyone who manufactures animal feed (this includes making and selling pet treats at farmer's markets, fairs, retail stores, etc.). There is a very minimal cost of \$25 associated with the license and some basic labeling requirements. A copy of the license application materials, as well as other helpful information can be found on our website at:

http://datcp.wi.gov/Farms/Feed/Manufacturing_Homemade_Pet_Treats/index.aspx

If you or your vendors have any questions, please don't hesitate to contact me directly. My contact information is below. Thank you for your time.

Nate Bartz

Feed Program Specialist/Toxic Response Coordinator

Wisconsin Department of Agriculture, Trade and Consumer Protection

2811 Agriculture Dr.

PO Box 8911

Madison, WI 53708

(608) 224-4539

nate.bartz@wisconsin.gov

<http://datcp.wi.gov/Farms/Feed/index.aspx>



PET FOOD AND TREATS



State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection
Ben Brancel, Secretary

Dear Feed Manufacturer, Labeler and Distributor:

Thank you for your interest in becoming part of Wisconsin's commercial feed industry. Enclosed is a packet that contains the required application and reports needed to distribute, label or manufacture commercial feed in Wisconsin. The packet also contains other supporting information to assist in the completion of the required documents.

You should become familiar with and follow the enclosed Wisconsin Commercial Feed Law (Sec. 94.72, Wisconsin Statutes) and the Wisconsin Commercial Feed Rule (ATCP 42, Wisconsin Administrative Code). Additionally, you can access both from our Web site: (http://datcp.wi.gov/uploads/Farms/pdf/FEED_2012.pdf) or call 608/224-4537 and request copies. Some key areas include:

Commercial Feed License Application

An annual license is required for any person who manufactures, labels or distributes commercial feed in Wisconsin. There is a license fee of \$25 per year--the license year runs from March 1-February 28/29. Complete one form for the principal mailing site and each Wisconsin site where feed is manufactured, labeled or distributed (**see definition on General Information sheet**). If all sites of manufacturing/labeling are outside Wisconsin, then a single payment of \$25 is required.

Labels

Labels must conform with Section 94.74 (2) Wis. Stats. and ch. ATCP 42.04 (Wis. Adm. Code). New applicants send copies of your product labels with your application and existing licensees send copies of labels for new products only. The issuance of a commercial feed license does not in any way mean that the department finds the commercial feed labels are in compliance with either state or federal commercial feed laws.

General Information Sheet

This form provides definitions and information on commercial feed categories.

Exempt Buyer List

Exempt Buyers pay the inspection fee on all commercial feed they distribute. Persons selling commercial feeds to Exempt Buyers may claim an inspection credit for that feed. See Section 94.72 (6) (f), Wis. Stats. for more information.

Social Security Form

Wisconsin law requires that we collect the social security number of each individual applying for a license. See enclosed form #ARM-356, Request for Social Security Number (SSN) for details.

Tonnage Report

The inspection fee is \$0.25 per ton for commercial feed tonnage sold or distributed into/within Wisconsin from January through December. The licensee who first sells or distributes a feed in/into Wisconsin is responsible for the inspection fee, unless he distributes it to an Exempt Buyer. Credit can be taken for pre-paid tonnage. The tonnage report form will be mailed with a commercial feed license renewal application in January of each year.

Agriculture generates \$59 billion for Wisconsin

2811 Agriculture Drive • PO Box 8911 • Madison, WI 53708-8911 • Wisconsin.gov

An equal opportunity employer

Sales of less than one ton are considered equal to one ton and require the \$0.25 per ton tonnage fee. The inspection fee for feed distributed during the year will be collected during next year's license renewal period.

For manufacturers/distributors who have not sold or distributed feed in Wisconsin, your tonnage fee will be zero. You will still need to complete and return a tonnage report form.

The issuance of a commercial feed license does not preclude the department's request for further information or taking action in order to secure compliance with the commercial feed rule and laws of Wisconsin.

Please return check, copies of product labels and all completed forms to:

STATE OF WISCONSIN
WDATCP
PO BOX 93193
MILWAUKEE WI 53293-0193

CONTACTS		
LICENSE RENEWAL & TONNAGE	PATTY ROELOFS patty.roelofs@wisconsin.gov	(608) 224-4537
TECHNICAL ASSISTANCE	NATE BARTZ, FEED SPECIALIST nathaniel.bartz@wisconsin.gov	(608) 224-4539

GENERAL INFORMATION

Wisconsin Commercial Feed License Application and Inspection Fee Tonnage Report

A. DEFINITIONS

(Section 94.72, Wis. Stats., and, ch. ATCP 42, Wis. Adm. Code)

"**Manufacture**" means to mix, blend, process, package or label commercial feed.

"**Process**" as defined by the Association of American Feed Control Officials means: de-hulling, extraction, extrusion, heat-processing, irradiating, kibbling, pearling, polishing, rendering, roasting, or steaming. (This list is not all-inclusive.)

"**Labeler**" means a person who labels commercial feed. "Labeler" includes a person, other than the final retail purchaser, who retains the proprietary rights to the specifications of a commercial feed.

"**Commercial feed**" means all products or materials used or distributed for use as a feed or ingredient in the mixing or manufacturing of feed for animals or birds, **except** the following:

1. Non-processed, whole seeds or grains with an established USDA Grain Standard, and the unmixed meals made from them.
(Examples: whole corn, ground corn, oats, milo, millet); *cotton seed is not exempted;
2. Whole hays, straws, cottonseed hulls, stover (dried foliage & stalks), and silage (fermented, chopped plants) when unmixed with other materials;
3. Meat and other portions of animal or fish carcasses in their raw state without further processing, except freezing or denaturing.

B. WHO MUST HAVE A COMMERCIAL FEED LICENSE?

A license is required for:

- Any person who manufactures, labels or distributes commercial feed in/into Wisconsin.
- Manufacturers or distributors located outside of Wisconsin (no established place of business in Wisconsin) who distribute commercial feed into Wisconsin--one license fee will cover all such out-of-state sites.
- If you have out-of-state sites and just one in-state site, one license fee will cover all of your sites.
- If you have out-of-state sites and multiple sites in Wisconsin, one license fee will cover all such out-of-state sites **AND** an additional license fee is required for each Wisconsin site with manufacturing/labeling activity.

No license is required for persons distributing only:

- Packaged commercial feed in the original packages of a Wisconsin licensee, with that licensee's original label;
- Bulk commercial feed in the form received from a Wisconsin licensee, and as labeled by that licensee;
- Feeds custom-mixed at the request of the final purchaser at retail, using commercial feeds obtained from Wisconsin-licensed suppliers.

Feed licenses are annual (March 1 through February 28/29).

C. INSPECTION FEES AND TONNAGE REPORTS

An annual inspection fee must be paid on all commercial feed distributed in/into Wisconsin by persons required to be licensed. The inspection fee is on a per-ton basis, and the tonnage report for the previous calendar year is filed with the commercial feed license renewal application. As of January 1, 2002, tonnage fees are \$0.25 per ton of commercial feed. Sales of 1 pound to 2000 pounds are reported as one ton. Tonnage is reported in whole tons. Tonnage is rounded up to the next whole ton.

In the chain of distribution for a commercial feed, the one who first sells the feed in Wisconsin, or who first distributes the feed for further sale in Wisconsin is responsible for paying the inspection fee, unless the commercial feed is sold to an Exempt Buyer (see below). If a feed under your label is being shipped to a Wisconsin location from your out-of-state plant (regardless of billing address), you must pay the Wisconsin inspection fee. This is true even though the Wisconsin purchaser may take title and possession of the feed at your out-of-state plant. As the labeler, you would be the first person in the chain of distribution.

Exempt Buyers

Some feed manufacturers located in Wisconsin are classified by the Department as **Exempt Buyers** (see list). The Exempt Buyer is responsible for paying the inspection fee on all commercial feed it distributes; credit can be claimed by an Exempt Buyer for its sales outside Wisconsin or to other Exempt Buyers. Persons selling commercial feeds to Exempt Buyers may claim an inspection fee credit for that feed. Note that the tonnage of commercial feed sold to an Exempt Buyer should be included on your tonnage report (on page 3--column 1 or column 3). Then, claim the credit on page 3 (column 2 or 4) and itemize that credit on the lower half of page 4. Credits for sales to Exempt Buyers can only be taken from those Exempt Buyers approved by the Department.

D. COMMERCIAL FEED CATEGORIES

Feed tonnage should be reported in the proper category (on page 3 of the Commercial Feed Tonnage Annual Report) according to species (when indicated) and type of feed. Accurate reporting of your tonnage in the proper category will assist in making this information meaningful to the industry. **Ingredients not fitting into a listed category should be entered in "Miscellaneous Products"**. Use the following guidelines for determining the proper categories to report tonnage:

Complete Feeds are feeds designed to be fed as the sole ration to the animal, with no additional grain, forage or protein supplementation.

Supplements (also called **concentrates**) are feeds designed to be the major source of protein, minerals, trace minerals and vitamins to the animal. They would be fed or mixed with additional grain and/or forage. Beef or dairy supplements may contain grain and be fed with only additional forage.

Mineral Feeds may contain calcium, phosphorus, other macro-minerals and trace minerals; they usually do not contain protein or fat.

Vitamin Feeds may contain a variety of vitamins and are designed to provide vitamin supplementation to the feed.

Premixes may contain a mixture of vitamins, trace minerals or other micro-ingredients.

Veal/Calf Feeds are dry feeds (**not milk replacers**) fed to dairy, beef or veal calves.

Milk Replacers include milk replacers intended for any type of young animal (veal calves, beef calves, dairy calves, lambs, swine, or others).

Pet Foods are any products fed to animals kept as pets. *Wild bird food goes under Miscellaneous.*

Miscellaneous includes any commercial feeds not included in the other categories, such as wild bird food, mink feeds, direct fed microbial products, etc.

Medicated Feeds (see license form): There are two categories of animal drugs used in feed.

- **"FDA MFL Required"** also known as "Category II, Type A" drugs. Use of this type of drug requires a Federal Medicated Feed License (MFL) from Food & Drug Administration (FDA).
- **"Non-MFL"**: also known as "Category I" (but includes "Category II, Type B & C" drugs).



Wisconsin Dept. of Agriculture, Trade and Consumer Protection
 Division of Agricultural Resource Management
 Bureau of Agrichemical Management
 Phone: (608) 224-4537

FOR DATCP USE ONLY

License Number:

Date Issued:

259 7590 S7 700R 7000 7B

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New Commercial Feed License Application

for March 1, 2012 to February 28, 2013 (Section 94.72(5), Wis. Stats. and ch. ATCP 42, Wis. Adm. Code)

*Attention out-of-state manufacturers and distributors only: Use one form to establish your out-of-state headquarters and a separate form for each Wisconsin manufacturing/distribution site. If you have just one Wisconsin site, only one form is required.

LEGAL BUSINESS NAME AND ADDRESS			MAILING ADDRESS (IF DIFFERENT FROM LEGAL ADDRESS)		
LEGAL BUSINESS NAME			C/O		
CONTACT NAME			CONTACT NAME		
STREET ADDRESS		PO BOX	STREET ADDRESS		PO BOX
CITY	STATE	ZIP	CITY	STATE	ZIP
DOING BUSINESS AS NAME			FEDERAL EMPLOYER I.D. # (FEIN) (OPTIONAL)		
IF DOING BUSINESS UNDER NEW NAME, LIST PREVIOUS BUSINESS NAME			PREVIOUS FEED LICENSE # (IF KNOWN)		
			31- 38-		
-CHECK ONE- Partnership <input type="checkbox"/> Cooperative <input type="checkbox"/> Corporation <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> LLC <input type="checkbox"/>					
LICENSE REQUIREMENTS:					
No person shall manufacture or distribute commercial feed in this state without an annual license from the department. "Manufacture" means to mix, blend, process, package or label commercial feed. No license shall be required of persons distributing only:					
1. Packaged commercial feed in the original container of a licensed manufacturer or distributor, as packaged and labeled by them, and their name and address appear on the label.					
2. Bulk commercial feed as received from, and properly labeled by, a licensee.					
3. Feeds custom-mixed at retail if commercial feeds used in the mixture are obtained from a licensee, with an invoice verifying the licensee's payment of the inspection fee.					
NOTE: Licenses are non-transferable and fees are non-refundable. Additional business locations may not begin operating during the license year without submitting an additional license application and payment of an additional \$25 fee.					
WISCONSIN SITE INFORMATION: COMPLETE ONE FORM FOR EACH WISCONSIN SITE.					
Complete one form for the principal mailing site as denoted on product labels and each Wisconsin site where feed is manufactured or labeled.					
SITE ADDRESS IN WISCONSIN		CITY	STATE	ZIP	
WI COUNTY	DATE BUSINESS ESTABLISHED AT THIS SITE				
WISCONSIN SITE INFORMATION: CHOOSE THE APPROPRIATE OPERATION AND MANUFACTURING ACTIVITIES					
TYPE OF OPERATION IN WISCONSIN			MANUFACTURING ACTIVITY		
PR <input type="checkbox"/>	Processing		C <input type="checkbox"/>	Custom Mixing	
PK <input type="checkbox"/>	Packaging		M2 <input type="checkbox"/>	Medicated (FDA MFL required)	
L <input type="checkbox"/>	Labeling		M1 <input type="checkbox"/>	Medicated (non - MFL)	
B <input type="checkbox"/>	Mixing/Blending		NC <input type="checkbox"/>	Nutritional Consulting	
			D <input type="checkbox"/>	Distributor/Sales	
			O <input type="checkbox"/>	Main Office	
			S <input type="checkbox"/>	Branch	
			W <input type="checkbox"/>	Warehouse	
LICENSE FEE (CHOOSE ONE)					
A. In-State Manufacturers or Distributors: \$25 for each Wisconsin site with feed manufacturing/distributing activity. Complete one form for each Wisconsin site.					
B. Out-of-State Manufacturers or Distributors with no Wisconsin site with manufacturing/distributing activity: \$25.					
C. Out-of-State Manufacturers or Distributors with just one Wisconsin site with manufacturing/distribution activity: \$25.					
D. Out-of-State Manufacturers or Distributors with Multiple Wisconsin Sites: \$25 for one out-of-state corporate site AND \$25 for each Wisconsin site with feed manufacturing/distributing activity. Complete one form for each Wisconsin site.					
Total due for this site: \$					
I certify that all information on this application is true and correct and by signing certify that on issuance of my license I will be in compliance with Sec. 94.72, Wisconsin State Statutes and ATCP 42, Wisconsin Administrative Code.					
APPLICANT SIGNATURE			YOUR NAME AND TITLE (PRINT OR TYPE)		
DATE	TELEPHONE NUMBER ()	FAX NUMBER ()			
E-MAIL ADDRESS			WEBSITE ADDRESS		

Personal information you provide may be used for purposes other than that for which it was originally collected (S. 15.04 (1) (m) Wis. Stats.).

Make check payable to WDATCP. Mail form, labels and check to: State of Wisconsin, DATCP, Box 93193, Milwaukee WI 53293-0193



Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Agricultural Resource Management
PO Box 8911
Madison WI 53708-8911
Phone: (608) 224-4500

For Office Use Only
License Number:
Date received:

Request for Social Security Number (SSN) (Section 93.135, Wis. Stats.)

PLEASE READ THIS IMPORTANT NOTICE

PLEASE COMPLETE THIS FORM, ATTACH IT TO THE APPLICATION, AND RETURN IT IN THE ENVELOPE PROVIDED OR MAIL IT TO THE ADDRESS LISTED ON THE APPLICATION.

Section 93.135, Wis. Stats., requires the Department to collect the Social Security Number (SSN) of every Sole Proprietor or individual applying for an original license, registration, permit or certificate.

This requirement DOES NOT APPLY TO:

- 1. Any of the following which are registered with the Department of Financial Institutions: Limited Partnerships, Limited Liability Partnerships (LLP), Limited Liability Companies (LLC), Corporations or Cooperatives. Please do not substitute a Federal Employer Identification Number (FEIN) for the SSN, even if you are an individual that holds both of these numbers.
2. General Partnerships. However, any licensee operating as a General Partnership must provide a copy of the legal partnership agreement, or page 1 of its most recently filed IRS form 1065, as proof of their exemption from the requirement (return documentation with your application).

Wisconsin Statute s. 93.135 requires the Department to collect the SSN from each applicant who is an individual or a sole proprietor and provide it to the Department of Workforce Development. The Department will handle and protect the confidentiality of SSN in accordance with its Security of Personal Information policy

BY LAW, THE DEPARTMENT MAY NOT ISSUE A LICENSE, CERTIFICATE, REGISTRATION, OR PERMIT TO AN INDIVIDUAL OR SOLE PROPRIETOR UNTIL THE APPLICANT PROVIDES HIS OR HER SSN.

1. Individual's Name: First Middle Last

2. Also operating under the following business names (please list if any):

3. Social Security Number (Individuals and Sole Proprietors must provide their SSN) DO NOT SUPPLY FEIN

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NOTE: If this license, permit, certificate, or registration is to be issued to a married couple, each individual must complete a separate form and return it with the application. This form can be photocopied/duplicated. Each individual must complete a separate form.

FIRMS THAT HAVE BEEN GRANTED WISCONSIN EXEMPT BUYER STATUS

JANUARY 2012

As of the above date, the firms listed below have been granted the status of Exempt Buyer by the Department of Agriculture, Trade and Consumer Protection, Agricultural Resource Management Division, under section 94.72(6)(f) of the Wisconsin Commercial Feed Law. (This list will be updated each year.) These firms are responsible for paying the inspection fees on your 2011 feed sales to them. On your Tonnage Report, include all your sales to Exempt Buyers on page 3 (column 1 or 3); then claim credit on page 3 (column 2 or 4) and itemize this credit on the lower half of page 4.

LICENSE NO.	CORPORATE HEADQUARTERS	EXEMPT-BUYER WISCONSIN LOCATION
38-012294-003465	ADM Alliance Nutrition, Inc. 1000 N. 30 th St. PO Box C1 Quincy, IL 62305	6104 McKee Rd. Madison, WI 53719
38-001689-001689	B & B Specialties, Inc. 1104 S. Monroe St, PO Box 135 Spencer, WI 54479	1104 S. Monroe St. Spencer, WI 54479
38-006546-002291	Cargill Incorporated 15407 McGinty Rd. Wayzata, MN 55391	1800 E. Elm Dr. Little Chute WI 54140
38-006546-011426	Cargill Incorporated 15407 McGinty Rd. Wayzata, MN 55391	1425 E High St. Milton, WI 53563
38-001266-010370	Domain, Inc. 156 High St. New Richmond, WI 54017	156 High St. New Richmond, WI 54017
38-000731-003462	Delong Company Inc. 601 Delco Dr. PO Box 552 Clinton, WI 53525	501-513 Front St. Clinton, WI 53525
38-006773-002334	Hubbard Feeds, Inc. 424 N. Riverfront Dr. PO Box 8500 Mankato, MN 56002-8500	1915 W. Edgewood Dr. Appleton, WI 54911
38-014876-002343	Land O' Lakes Purina Feed, LLC 1080 County Rd. F West Shoreview, MN 55126-2910	717 S. Hickory St. Fond Du Lac, WI 54935-0389
38-003906-003906	Strauss Feeds, L.L.C. 600 Strauss-Provimi Rd. PO Box 149 North Manchester, IN 46962	W7507 Provimi Rd. Watertown, WI 53094
38-001222-001222	Vita Plus Corp. 2514 Fish Hatchery Rd. PO Box 259126 Madison, WI 53713-9126	1508 W. Badger Rd. Madison, WI 53713
38-001222-003489	Vita Plus Corp. 2514 Fish Hatchery Rd. PO Box 259126 Madison, WI 53713-9126	640 Vita Plus Dr. Fall River, WI 53932
38-001222-000544	Vita Plus Corp. 2514 Fish Hatchery Rd. PO Box 259126 Madison, WI 53713-9126	319 N. Dickason Blvd. Columbus, WI 53925

If you have any questions on firms with Exempt Buyer status, please contact Wisconsin's feed program staff at (608) 224-4537.