

REQUEST FOR DIVERSION OF ADULTERATED FOOD TO ACCEPTABLE ANIMAL FEED USE

STEP 1 OF 6: Submit Initial Diversion Request and Sampling Plan

THE FOLLOWING INFORMATION MUST BE SUBMITTED TO THE NCDA&CS, ANIMAL FEED PROGRAM FOR REVIEW AND ACCEPTANCE PRIOR TO SUBMISSION OF SAMPLES FOR TESTING.

1. Name of the requestor:
Address of the requestor:
County:
Phone:
Alt Phone:
Email:
Name of the owner of the subject articles (*If requestor, then "same"*):

Name of Extension Agent or other advisor helping to complete the form:
Agent/Advisor email:
Agent/Advisor phone:
Agent/Advisor cell:
2. The precise physical location of the product:
3. A precise identification of the product (including lot numbers, amount of articles in each lot, value, etc.):
4. The reason(s) the articles are considered adulterated for their originally intended food uses:
5. The cause of adulteration if known:
6. Potential/proposed future use and/or consignee:
7. Please provide a detailed plan for sample collection to include diagrams, procedures, sample amount, sample number collected, and sample location. For additional assistance with developing a sampling plan, please contact the Animal Feed Program at (919) 733-7366.

PLEASE SUBMIT REQUESTS VIA EMAIL TO:

George Ferguson, Feed Administrator

NCDA&CS, Animal Feed Program

George.ferguson@ncagr.gov

Phone: (919) 733-7366; FAX: (919) 733-6801

STEP 2 OF 6: NCDA Review for Acceptance & Notification

THE INITIAL DIVERSION REQUEST AND SAMPLING PLAN WILL BE REVIEWED BY THE NCDA&CS ANIMAL FEED PROGRAM. UPON COMPLETION OF THE REVIEW, THE REQUESTOR AND ANY IDENTIFIED AGENT/ADVISOR WILL BE NOTIFIED OF THE SUBMISSIONS ACCEPTANCE OR REJECTION. THE DIVERSION REQUEST AND SAMPLING PLAN MUST BE ACCEPTED BEFORE CONTINUING TO THE NEXT STEP.

STEP 3 OF 6: Submission of Product Samples for Analysis

UPON RECEIVING NOTIFICATION OF THE SUBMISSIONS ACCEPTANCE, THE REQUESTOR SHALL COLLECT ALL SAMPLES IN ACCORDANCE WITH THE ACCEPTED SAMPLING PLAN AND SUBMIT THEM TO THE NCDA&CS CONSTABLE LABORATORY FOR ANALYSIS. SAMPLE ANALYSIS WILL BE CONDUCTED AND RESULTS REPORTED TO THE REQUESTOR AT NO CHARGE.

NCDA&CS Food & Drug Protection Division
Attention: Animal Feed Program, Diversion Request Samples
US Postal Service: 1070 Mail Service Center, Raleigh NC 27699-1070
UPS/FedEx: 4000 Reedy Creek Road, Raleigh NC 27607-6465

STEP 4 OF 6: Analysis of Samples

SAMPLE ANALYSIS WILL BE CONDUCTED AND/OR DIRECTED BY THE NCDA&CS CONSTABLE LABORATORY.

Sample analysis to be conducted by the laboratory:

1. The levels, on a lot-by-lot basis, of any adulterant; all analytical data regarding such levels of an adulterant, and the methodology used in determining the levels of the adulterant. As a minimum, the material would need to be tested for the following:
 - a. Mycotoxins to include at least aflatoxin, fumonisin, vomitoxin, zearaloxone, and ochratoxin. [Mycotoxins should not be present above guidance levels found on FDA's website.]
 - b. Heavy metals, with emphasis on cadmium, mercury, and lead. [Maximum acceptable levels for these metals in complete animal feeds are available in the NAS/NRC "Mineral Tolerance of Domestic Animals".]
 - c. Presence of certain pathogenic bacteria and their toxins, especially Salmonella, E. coli O157:H7, and Clostridium perfringens and botulinum. Heat treatment should have been sufficient to destroy pathogenic organisms.
 - d. Pesticide screen, with particular emphasis on organophosphate and chlorinated hydrocarbon pesticides. [Information on multi-residue pesticide test screens and permitted pesticide levels on food and feed is available on FDA's website.]
 - e. Presence of PCBs [polychlorinated biphenyls] consistent with the levels found in Title 21, Code of Federal Regulations, Part 500.45.

Additional testing of specific industrial or environmental contaminants may be required as information on the industries and facilities located near crops in affected areas becomes available.

FINAL SAMPLE ANALYSIS RESULTS WILL BE SENT TO THE REQUESTOR IN ORDER TO COMPLETE STEP 5, AS APPLICABLE.

Step 5 of 6: Submission of Proposal

UPON RECEIPT OF FINAL SAMPLE ANALYSIS, THE REQUESTOR SHALL COMPLETE AND SUBMIT THE FOLLOWING INFORMATION TO THE NCDA&CS ANIMAL FEED PROGRAM FOR FINAL DIVERSION REQUEST REVIEW.

To be completed by the requestor:

1. The name of the proposed consignee (buyer):
Address of the proposed consignee:
County:
State:
Phone Number:
Email:
2. The reconditioning or denaturing procedure, if any:
3. The proposed labeling as well as the written information or instruction to accompany the product:
4. All special restriction information, e.g., the product may be under detention by the United States Department of Agriculture and therefore require an official correspondence between agencies regarding approval of the diversion:
5. The intended use of the diverted food/feed. This will include complete description of the class of animals involved, whether they are food or non-food producing, the part of the country in which the food will be used, and all assurances that have been secured that indeed the food will be used as agreed:
6. All available information from the firm proposing the diversion on the safety of the adulterant for the intended animal use and, where appropriate, for the consumption of the edible products of the animals:

PLEASE EMAIL SUBMISSION OF PROPOSAL TO:

George Ferguson, Feed Administrator

NCDA&CS, Animal Feed Program

George.ferguson@ncagr.gov

Phone: (919) 733-7366; FAX: (919) 733-6801

Step 6 of 6: Approval and Notice of Release.

UPON COMPLETION OF THE FINAL REVIEW, THE REQUESTOR WILL BE NOTIFIED OF THEIR APPROVAL OR DENIAL. IF APPROVED, THE REQUESTOR WILL RECEIVE A NOTICE OF "DEEMED SAFE FOR USE IN ANIMAL FEED" THAT CONTAINS ANY AGREED UPON USE RESTRICTIONS AND/OR LIMITS, IN ORDER TO ASSIST THE REQUESTOR IN FINAL DISTRIBUTION AND/OR USE OF THE PRODUCT.