

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.

(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 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 for its intended purpose;
- (e) The date of submission; and
- (f) The signature of the affiant notarized by a certified notary public.

[Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW. WSR 18-21-191, § 16-250-044, filed 10/24/18, effective 11/24/18.]