

Notice of Extended
Public Comment Period on
Proposed

Department of Agriculture
Notice of Public Comment Period on
Proposed Administrative Regulations

Proposed revisions have been made to the Commercial Feeding Stuffs regulations in response to public comments received at the public hearing held April 5, 2011. Therefore, additional rulemaking proceedings are being initiated pursuant to K.S.A. 2010 Supp. 77-421(c). This serves as formal notice of our intent to adopt the proposed regulations as revised subsequent to the public hearing. The 30 days following this publication shall constitute a public comment period in accordance with K.S.A. 2010 Supp. 77-421(a)(4) for the purpose of receiving written public comments on the Commercial Feeding Stuffs regulations K.A.R. 4-3-49 and K.A.R. 4-3-51. **Comments must be received by July 26, 2011.** All interested parties may submit written comments to the Kansas Department of Agriculture in care of Leslie Garner at 109 S.W. 9th, 4th Floor, Topeka, 66612 or by e-mail at leslie.garner@kda.ks.gov; or by accessing our website at <http://www.ksda.gov/statutes/>.

These regulations are proposed for adoption on a permanent basis. A summary of the proposed regulations and their economic impact follows:

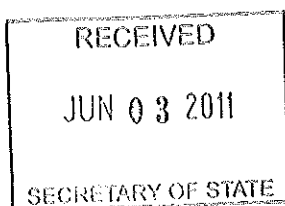
- K.A.R. 4-3-49 currently adopts by reference certain sections of 21 C.F.R. Parts 225 and 226, revised on April 1, 2006. The proposed amendment to the regulation adopts the April 1, 2010 revision of those sections.
- K.A.R. 4-3-51 currently adopts by reference certain sections of 21 C.F.R. Part 589, revised on April 1, 2006, relating to commercial feed and prohibited materials. The proposed amendment to the regulation clarifies and updates the regulation, and adopts the April 1, 2010 revision of those sections of 21 C.F.R. Part 589.

Economic Impact Statement:

The changes are expected to have no economic impact on the Kansas department of agriculture, other governmental agencies, private businesses, or individuals.

Copies of the regulations and their economic impact statements may be obtained by contacting Leslie Garner at the aforementioned address or by calling (785) 296-4623; or by accessing the Department's Website at <http://www.ksda.gov/statutes/>.

Dale A. Rodman
Secretary of Agriculture



Proposed

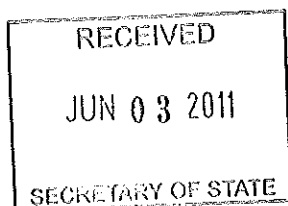
K.A.R. 4-3-49. Good manufacturing practices; adoption by reference. (a) Except for those portions excluded by this subsection, 21 CFR Parts 225 and 226 of title 21 of the code of federal regulations, as revised on April 1, 2006 2010, are hereby adopted by reference and shall apply to good manufacturing practices for the production of commercial feeding stuffs in Kansas:

(1) Subpart (c) of section 225.1 is not adopted by reference.

(2) In section 225.115(b)(2), the following language shall be deleted: “, under §510.301 of this chapter.”

(3) Subpart (b) of section 226.1 is not adopted by reference.

(b) Copies of the regulations, or pertinent portions of the regulations, shall be available from the office of the agricultural commodity assurance program, Kansas department of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. 2006 2010 Supp. 2-1013; effective, T-88-46, Nov. 10, 1987; effective May 1, 1988; amended Oct. 21, 1991; amended Dec. 12, 1994; amended, T-4-2-13-01, Feb. 13, 2001; amended June 15, 2001; amended Jan. 18, 2008; amended P-_____.)



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K.A.R. 4-3-51. Prohibited feeding stuffs; adoption by reference. (a) The following portions of 21 CFR Part 589 of title 21 of the code of federal regulations, revised on April 1, 2006 2010, is with the changes specified in this subsection, are hereby adopted by reference and shall apply to the production of all commercial feeding stuffs and custom-mixed feed in Kansas:

(1) The second sentence of section 589.1000 shall be replaced with the following sentence: "Use of gentian violet in animal feed causes the feed to be adulterated under K.S.A. 65-664."

(2) The second sentence of section 589.1001 shall be replaced with the following sentence: "Use of propylene glycol in or on cat food causes the feed to be adulterated under K.S.A. 65-664."

(3) In section 589.2000(d)(5), "Food and Drug Administration" shall be replaced with "Kansas department of agriculture."

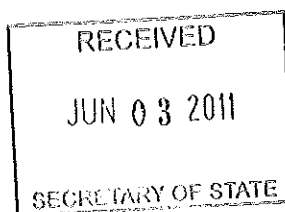
(4) In section 589.2000(f), "Food and Drug Administration" shall be replaced with "Kansas department of agriculture."

(5) In section 589.2000(g)(1), "section 402(a)(2)(C) or 402(a)(4) of the act" shall be replaced with "K.S.A. 65-664."

(6) In section 589.2000(g)(2), "section 403(a)(1) or 403(f) of the act" shall be replaced with "K.S.A. 65-665."

(7) In section 589.2000(h)(2), "Food and Drug Administration" shall be replaced with "Kansas department of agriculture."

(8) In section 589.2001(c)(2)(vi), "Food and Drug Administration" shall be replaced with "Kansas department of agriculture."



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(9) In section 589.2001(c)(3)(i), "Food and Drug Administration" shall be replaced with "Kansas department of agriculture."

(10) In section 589.2001(d)(1), "section 402(a)(4) of the Federal Food, Drug, and Cosmetic Act (the act)" shall be replaced with "K.S.A. 65-664."

(11) In section 589.2001(d)(2), "section 402(a)(2), 402(a)(3), or 402(a)(5) of the act" shall be replaced with "K.S.A. 65-664."

(12) In section 589.2001(d)(3), "section 403(a)(1) or 403(f) of the act" shall be replaced with "K.S.A. 65-665."

(13) In section 589.2001(d)(4), "section 402(a)(4) of the act" shall be replaced with "K.S.A. 65-665."

(14) In section 589.2001(e), "Food and Drug Administration" shall be replaced with "Kansas department of agriculture."

(b) Copies of the regulations, or pertinent portions of the regulations, shall be available from the office of the agricultural commodity assurance program, Kansas department of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. 2006 2010 Supp. 2-1013; effective, T-4-2-13-01, Feb. 13, 2001; effective June 15, 2001; amended Jan. 18, 2008; amended P-_____.)

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Proposed

**KANSAS DEPARTMENT OF AGRICULTURE
ECONOMIC IMPACT STATEMENT**

**Proposed permanent regulations:
K.A.R. 4-3-49 and 4-3-51**

I. Summary of Proposed Regulations, Including Its Purpose.

K.A.R. 4-3-49 currently adopts by reference certain sections of 21 CFR Parts 225 and 226, revised on April 1, 2006. The proposed amendment to the regulation adopts the April 1, 2010 revision of those sections.

K.A.R. 4-3-51 currently adopts by reference certain sections of 21 CFR Part 589, revised on April 1, 2006, relating to commercial feed and prohibited materials. The proposed amendment to the regulation clarifies and updates the regulation, and adopts the April 1, 2010 revision of those sections of 21 CFR Part 589.

II. Reason the Proposed Regulations Are Required, Including Whether or not the Regulations Are Mandated by Federal law.

The regulations are not mandated by federal law. The regulations adopt the current versions of the federal regulations previously adopted by reference.

III. Anticipated Economic Impact upon the Kansas Department of Agriculture.

No direct or indirect costs to the agency.

IV. Anticipated Financial Impact upon Other Governmental Agencies or Units.

No direct or indirect costs to other governmental agencies or units are anticipated.

V. Anticipated Financial Impact upon Regulated Entities.

No direct or indirect costs to regulated entities are anticipated.

VI. Anticipated Financial Impact for Private Businesses or Individuals.

No direct or indirect costs to private citizens are anticipated.

VII. Less costly or less intrusive methods considered by the Kansas Department of Agriculture.

No other methods were considered by the Kansas Department of Agriculture for achieving the purpose of this change.

ENVIRONMENTAL BENEFITS STATEMENT

An environmental benefits statement is not required since the proposed regulations, while proposed for adoption by the Secretary of Agriculture, do not have as their primary purpose the protection of the environment.

