

# United States Senate

WASHINGTON, DC 20510

March 31, 2014

The Honorable Margaret A. Hamburg, M.D.  
Commissioner  
U.S. Food and Drug Administration  
10903 New Hampshire Avenue  
Silver Spring, MD 20993

Dear Commissioner Hamburg:

We are writing to express the concerns of small brewers in our states regarding the FDA's proposed rule on manufacturing practices with respect to animal foods (Docket Number FDA-2011-N-0922) (the "Proposed Rule"). We recognize the importance of food safety, but ask that the agency consider the economic effect of its effort to include so-called "spent grains" produced by brewers within the scope of the rule.

During the process of making beer, brewers heat grains to extract sugars, proteins, and other nutrients. These spent grains are a byproduct of this process and serve no useful purpose for the brewer. Since at least the Middle Ages, brewers have donated or sold (often for very little money) these spent grains to farmers, who may use them as feed for livestock. A recent study indicates that nearly 90 percent of spent grains produced by craft brewers is used for animal feed.

The Proposed Rule would effectively end this centuries-old practice. The cost of compliance with the rule would effectively prohibit brewers from providing spent grains to farmers for animal feed. These include costs to identify potential food safety hazards, estimate how likely they are to occur, predict how severe the effects would be, identify and implement preventative controls, monitor spent grains for any hazards, and develop a written recall plan. Inevitably, limiting a source of free, or nearly free, animal feed will mean additional costs for the farmers who use spent grains.

The effect of these additional requirements would be particularly pronounced among the small business owners who make up the American craft beer industry. Nationally, small and independent brewers employ over 108,000 full- and part-time employees, generate more than \$3 billion in wages and benefits, and pay more than \$2.3 billion in business, personal, and consumption taxes. Legislation has been introduced in the Senate (S.917) that, if enacted, is projected to create more than 5,000 new jobs in small breweries in the first year to 18 months after passage, and create approximately 400 new jobs annually thereafter.

We urge you to craft a final rule that protects our food supply and is minimally disruptive to this long-standing practice, which benefits farmers and brewers alike.

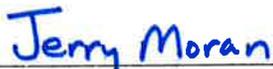
Sincerely,



Susan M. Collins  
United States Senator



Benjamin L. Cardin  
United States Senator



Jerry Moran  
United States Senator



Robert P. Casey, Jr.  
United States Senator



Deb Fischer  
United States Senator



Claire McCaskill  
United States Senator



Lisa Murkowski  
United States Senator



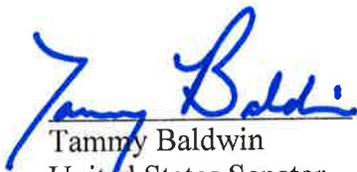
Angus S. King, Jr.  
United States Senator



Kelly Ayotte  
United States Senator



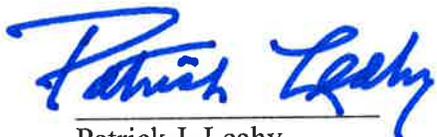
Bernie Sanders  
United States Senator



Tammy Baldwin  
United States Senator



Jeanne Shaheen  
United States Senator



Patrick J. Leahy  
United States Senator

cc: The Honorable Kathleen Sebelius, Secretary, Department of Health and Human Services  
cc: The Honorable Tom Vilsack, Secretary, Department of Agriculture