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### **Burlington Free Press: Welch worries about brewery-farm grain rule**

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WATERBURY - A "gravitational pull" compelled U.S. Rep. Peter Welch, D-Vt., to exit the highway one day in late March and stop at the Alchemist, the Waterbury brewery that makes Heady Topper beer.

The visit produced a form of "instant democracy," in the words of brewer John Kimmich, who owns the brewery with his wife, Jen Kimmich.

That day, John Kimmich talked to Welch about a proposed FDA rule that would alter the way brewers dispose of spent grain. The rule could complicate and add expense to a straightforward and standard arrangement. The FDA says it plans to revise the proposed rule, but brewers and farmers worry about continued uncertainty.

By longstanding tradition, brewers give (or sell) spent grain — a byproduct of brewing — to farmers for animal feed. Welch and John Kimmich describe the relationship as "symbiotic."

Brewers have a recipient for their waste product. Farmers have food for their animals. Spent grain stays out of landfills and other waste sites. People worried the regulation the FDA had proposed as part of the Food Safety Modernization Act could have changed that.

"We have to make sure the FDA does not do something that's really bad for farmers and really bad for beer," Welch said Wednesday.

Within days of Welch's March visit to the Alchemist, he contacted the Kimmichs to say he would work to ensure the brewery-to-farm practice remains in place. That effort involved circulating a letter urging the FDA to "get real," Welch said Wednesday, and co-sponsoring legislation to prohibit the proposed rule from going into effect.

"For us, it was amazing direct input from an elected official," John Kimmich said. "That was a cool thing to have that kind of accessibility to our representatives."

The proposed regulation is part of a "larger effort to modernize the food safety system for the 21st century and focus public and private efforts on preventing food safety problems," the FDA writes on its website.

Wednesday at the Alchemist, at a news conference that brought together a brewer, a farmer and a congressman, the latter member of the group invoked a fourth profession: U.S. president.

George Washington fed his animals spent grain from his Mount Vernon distillery, Welch said.

"If it was good enough for George and Martha Washington," Welch said, "why isn't it good enough John and Jen Kimmich?"

As practiced by the Alchemist, the tradition works like this: On production days, the brewery generates 30, 32-gallon containers of spent grain — barley imported from Britain. The pails of wet barley are placed on a loading dock for Hadley Gaylord, a Waitsfield beef farmer.

Gaylord collects about 28,000 pounds of Alchemist grain a week, at no cost, and feeds it to his animals, mostly lactating cows and young stock, he said.

"When we feed it to the cattle, it must be like candy to them," Gaylord said. "They come running when they see the truck."

Gaylord has been farming for 50 years. He's noticed improved body tone and condition in his animals since he started feeding them wet barley from the Alchemist, Gaylord said.

"It's cool to have this," Gaylord said. "I can't understand what the FDA wants to get involved in this for."

The FDA might be wondering the same thing. The agency says it plans to issue revised regulatory language in the summer, according to an FDA spokeswoman.

In an April 24 blog post titled "Getting It Right on Spent Grains," Michael Taylor, the FDA's deputy commissioner for foods and veterinary medicine, writes:

"We agree with those in the (brewing) industry and the sustainability community that the recycling of human food by-products to animal feed contributes substantially to the efficiency and sustainability of our food system and thus is a good thing. We have no intention to discourage or disrupt it."

On its website, the FDA states the proposed rule change would not require brewers to dry, sanitize and package their spent grain, as critics have suggested. Rather, the rule is "flexible" and "does not require specific action," the online information states.

The agency notes that "the potential hazards associated with spent grains are minimal." It wants to be sure "brewers and distillers take common sense and reasonable measures to ensure that food for animals is safe from chemical and physical hazards."

Kristin Haas, the Vermont state veterinarian, said feeding spent grain from breweries to livestock is not uncommon. She encourages farmers who feed the grain to their animals to make sure it is part of a whole, balanced and nutritious diet suited to the particular animal.

"Producers and owners should educate themselves or work with a feed nutritionist to make sure that the combination of feeds meet those (nutritional) requirements," Haas said.

Paul Saylor of Zero Gravity Brewery in Burlington, president of Vermont Brewers Association, said the proposed regulation is "definitely a hot-button issue for Vermont brewers" and for brewers across the nation.

He said virtually every Vermont brewer has an arrangement with a farmer (or, in rare instances, a middle man) that involves giving (or selling) the farm spent grain for feed. His brewery gives its mash to Tamarack Hollow Farm in Burlington. By the end of the year, Vermont will have 40 breweries, Saylor said.

Tuesday, the day before the news conference, John Kimmich said the FDA is "backing off."

"That doesn't mean all is solved," Kimmich said. "Until everyone is sure that this (regulation) is going to be taken out of there, it's kind of all hands on deck. ... The idea of taking something that is working just fine and forcing it through regulation and compounding other problems is just madness."

The Alchemist could adapt to a regulatory change, Kimmich said, but it could be economically devastating to smaller operations. "There's no way a small brewer could pay for a process like that," he said of drying and sanitizing spent grain.

Bipartisan support in Congress might be explained by the product at the center of the issue, Kimmich said.

"Maybe we've got to get more beer in Congress," he said, "and get more things accomplished."

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