



TEXAS A&M
AGRICULTURE

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FEED INDUSTRY MEMORANDUM NO. 5-9

THE EXEMPTION OF FEED PRODUCTS PRODUCED AND SOLD BY FARMERS

OBJECTIVE:

This policy is written to clarify what products produced by a farmer are exempt from the feed law and the circumstances under which the operations of a particular farmer will cease to be exempt.

POLICY:

The definition of the term "commercial feed," as contained in Section 141.002(c)(4) of the Texas Commercial Feed Control Act of 1983, as amended, provides for certain exemptions, including "feed products produced and sold by farmers." The language of this particular subsection is interpreted to mean primarily unprocessed homogeneous feed product produced and sold by farmers, such as unadulterated, non-toxin containing grain. A person who grows and harvests a product in the category of commercial feed and processes these raw material into a feed by grinding, batching and distributes the feed in any form, ceases to be a "farmer" and becomes a feed manufacturer. Furthermore, the addition of a medicated article or medicated feed to the product is subject to the FDA CGMPs (21 CFR 225). Such products thus become subject to all provisions of the Feed Control Act.

Exempt products offered for sale by a farmer must be grown solely on land under his control and handled and transported under his control. Green forage crops thus produced, including ensilage, produced from an exempt crop, are also exempt. The processing and selling of alfalfa as described in FAM 3-7 and other acts of similar import are commercial feed manufacturing operations and shall be subject to the Act.

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