

TEXAS ADMINISTRATIVE CODE

TITLE 4. AGRICULTURE

CHAPTER 61

COMMERCIAL FEED RULES

(Amended January 2, 2017)

**Adopted by the
TEXAS FEED AND FERTILIZER CONTROL SERVICE**

**Under the
TEXAS AGRICULTURE CODE (1981)
(As amended)**

**Texas A&M University System
Texas Agricultural Experiment Station
Office of the Texas State Chemist
Tim Herrman, State Chemist & Director
College Station, TX**

Website: OTSC.TAMU.EDU

CONTENTS

<u>Section</u>	<u>Page</u>
SUBCHAPTER A. GENERAL PROVISIONS	
§61.1 Definitions.....	1
§61.2 Commercial Feed	3
SUBCHAPTER B. LICENSING	
§61.11 Application for Licensing.....	4
SUBCHAPTER C. LABELING	
§61.21 General Label Restrictions	4
§61.22 Labeling Commercial Feed.....	6
§61.23 Labeling of Customer-Formula Feed	31
SUBCHAPTER D. CHANGES IN LICENSING	
§61.25 Redesignation of Facility.....	32
SUBCHAPTER E. LABEL REVIEW	
§61.29 Label Review.....	33
SUBCHAPTER F. INSPECTION FEE	
§61.31 Assessment.....	34
SUBCHAPTER G. INSPECTION, SAMPLING, AND ANALYSIS	
§61.41. Sampling and Analytical Procedures	34
§61.42 Analysis of Customer-Formula Feed	35
§61.43 Cottonseed Screenings: Sampling, Analysis, and Labeling.....	35
§61.44 Analytical Variations	37
SUBCHAPTER H. ADULTERANTS	
§61.61 Poisonous or Deleterious Substances.....	37
§61.65 General Provisions for Ammoniating Aflatoxin-Contaminated Corn, Cottonseed, and/or Cottonseed Meal	39
§61.66 General Provisions for Blending Aflatoxin-Contaminated Corn or Cottonseed.....	41
§61.67 General Provisions for the Use of Aflatoxin Binding Agents in Customer Formula Feed	42
SUBCHAPTER I. GOOD MANUFACTURING PRACTICES	
§61.86 Regulation of Medicated Feed Mills.....	43
SUBCHAPTER J. ADMINISTRATIVE HEARINGS	
§61.91 Cost of Preparing Agency Record	43

SUBCHAPTER A. GENERAL PROVISIONS

§61.1 Definitions

Except where otherwise provided, the terms and definitions adopted by the Association of American Feed Control Officials in the last published edition of the annual Official Publication are hereby adopted by reference as the terms and definitions to control in this title. The publication is available from the Association of American Feed Control Officials. In addition, the following words and terms, when used in this title, shall have the following meanings, unless the context clearly indicates otherwise:

- (1) Act - Texas Commercial Feed Control Act, Texas Agriculture Code, Chapter 141, 1981, as amended.
- (2) Additive - An ingredient or combination of ingredients added to the basic feed mix or parts thereof to fulfill a specific need which becomes a component of or affects the characteristics of a feed or food if such substance is not generally recognized as safe under the conditions of its intended use.
- (3) Ammoniated Corn - The product obtained by treating whole corn containing no more than 500 parts per billion (ppb) aflatoxin with anhydrous ammonia under specified conditions of temperature and pressure approved by the Service. Ammoniated corn is not to be considered a single ingredient product.
- (4) Ammoniated Cottonseed - The product obtained by treating whole cottonseed containing no more than 500 parts per billion (ppb) aflatoxin under specified conditions of temperature and pressure approved by the Service. Ammoniated cottonseed is not to be considered a single ingredient product. I
- (5) Ammoniated Cottonseed Meal - The product obtained when cottonseed meal is treated with anhydrous ammonia until a pressure of 50 pounds per square inch gauge is reached. It is to be used in the feed of ruminants in an amount not to exceed 20% of the total ration. Ammoniated cottonseed meal is not to be considered a single ingredient product.
- (6) Annual Products - Commercial feed product packaged in individual containers of five pounds or less only.

- (7) Bagged - Enclosure of feed in any container.
- (8) Chemical Adulterant - Any compound-natural or synthetic-possessing little or no intrinsic nutritional value, avoidably present at levels inconsistent with its generally accepted use in a feed or unavoidably present at levels in a feed above those authorized by the Service.
- (9) Container - A bag, box, carton, bottle, object, barrel, package, apparatus, device, appliance, or other item of any capacity into which a feed is packed, poured, stored, or placed for handling, transporting, or distributing.
- (10) Cottonseed, Feed Grade - Sound, mature, unhulled seed of the genus *Gossypium* left after ginning. Free fatty acids shall not exceed 12.5%, moisture shall not exceed 20%, and foreign matter shall not exceed 10%.
- (11) Natural - Describes a feed or feed ingredient produced solely by or derived solely from plants, animals, or minerals, whether unprocessed or processed according to generally accepted industry standards, which has not been exposed to ionizing radiation and does not contain any man-made materials except in such amounts as might occur unavoidably in good processing practices. The term is understood to include as "natural" flavors and flavorings so designated under 21 CFR 501.22(a)(3).
- (12) Organic - When applied to a product, to a compound, to a mixture of compounds or to a specific constituent used as an ingredient means that the claim of the product, compound, mixture of compounds, or constituent to be organic has been allowed or allowed with restriction by the United States Department of Agriculture's National Organic Program or the Texas Department of Agriculture's Organic Certification Program. (Materials described as organic must still conform to the Texas Commercial Feed Control Act if they are used in feeds.)
- (13) Person - Any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character.
- (14) Pet Food - Any commercial feed prepared and distributed for consumption by a dog or cat or an animal normally maintained in a cage or tank in or near the household(s) of the owner such as, but not limited to, gerbils, hamsters, birds, fish, snakes, and turtles.

- (15) Salvage - When applied to an ingredient or combination of ingredients, refers only to those products that have been damaged by natural causes, such as fire, water, hail, or windstorm, or by conveyance mishap. Does not apply to recovered production line products which are suitable for reprocessing.
- (16) Service - Texas Feed and Fertilizer Control Service.
- (17) Toxin - Any compound causing adverse biological effects including, but not limited to, poisons, carcinogens or mutagens, produced by an organism avoidably present at any level or unavoidably present at levels in a feed above those authorized by the Service.
- (18) Weed Seeds - Those seeds declared prohibited or restricted noxious weed seeds by the Texas Agriculture Code, §61.008 (concerning Noxious Weed Seeds).
- (19) Wildlife - Any feral animal, any animal not normally considered as domesticated in Texas or any animal living in a state of nature.

§61.2 Commercial Feed

- (a) Whole grain and seeds distributed with labels which suggest - by word, by picture or by seller representation - that they may be fed to wildlife are commercial feeds under the Act, §141.002(e).
- (b) All feed materials are considered commercial feeds except:
 - (1) those exempted under the Act, §141.002(c) referring to commercial feed; and
 - (2) salvage feed materials.
- (c) Commercial feeds may not contain:
 - (1) any adulterants as listed in the Act, §141.148 referring to distribution of adulterated feed; or
 - (2) salvage feed materials.

SUBCHAPTER B. LICENSING

§61.11 Application for Licensing

- (a) A facility shall not be granted a license unless and until:
 - (1) it has filed a completed application form and other information necessary for the conduct of the Service's business; and
 - (2) paid the appropriate fees.
- (b) No facility shall distribute commercial feed in Texas until it has received affirmative notification of its licensing either originally or as amended.
- (c) The Service may require the applicant to submit evidence satisfactory to the Service respecting the safety and efficacy of any of its commercial feeds, including, but not limited to, labels and labeling, prior to approval of a license application:
 - (1) if any feed contains an additive (including drugs, special purpose and/or non-nutritive additives) not previously recognized as safe and effective by the United States Food and Drug Administration for its labeled use or does not possess GRAS animal status; or
 - (2) if any feed normally exempt, but adulterated, so special control by the Service is necessary, including, but not limited to, those feeds incorporating mycotoxin-contaminated ingredients, ammoniated ingredients or animal litter.

SUBCHAPTER C. LABELING

§61.21 General Label Restrictions

- (a) All labeling information required by Sections §141.051 or §141.052 of the Act or by this title shall appear in its entirety on one side of the label or one side of the feed container, except directions for use or precautionary statements, which shall appear in a prominent place on the label or container, but not necessarily on the same side of such label or container as other required label information. When directions for use or cautionary statements appear on a different side of the label or container

than its principal display panel, such principal display panel shall bear a reference to such information (e.g., "See back for directions for use").

- (b) No labeling information required by the Act or this title shall be obscured or subordinated by other statements or designs.
- (c) A trademark or trade name owned by another person may form part of the labeling of a commercial feed provided that:
 - (1) the trademark, in the opinion of the Service, contributes significantly in conveying to the purchaser important information respecting a distinctive characteristic of the product;
 - (2) the display of the trademark or trade name is no more conspicuous than the display of the name of the registrant or guarantor of the product or other required information, i.e., its style, size, and color of print makes it no more likely to be read than the accompanying/surrounding word(s), statement(s) or other required information;
 - (3) the user of the trademark has permission from the "owner" to use the trademark.
- (d) No declaration of content shall appear in the ingredient statement or other part of a proprietary feed unless the declaration is made for each and all ingredients, except:
 - (1) when required by law; or
 - (2) when necessary to conform to good manufacturing or feeding practices.
- (e) When the label of a commercial feed declares the common name of a component or ingredient or a combination of components or ingredients and emphasis is placed on such ingredients or combinations thereof without reference to a percentage value, the Service may require a showing of scientific data that the ingredient or combination of ingredients is present in sufficient quantities to impart a distinctive characteristic to the product. If reference is made to a percentage value for such ingredient or combination of ingredients, the Service, in addition, may require:
 - (1) that the percentage reference be determinable by accepted laboratory methods; and

- (2) that the applicant provide, upon request, an analysis of the ingredient or combination of ingredients made by a private laboratory.
- (f) The labeling of animal feeds and intended use must be consistent with the intended purpose of the product.
- (g) All guaranteed analyses must be in the same size and style.
- (h) The name of each and every ingredient must be shown in letters or type of the same size and style.
- (i) Any and all words or statements or other label information required by the Act shall appear in a size and style easily read by the average person under ordinary conditions.

§61.22 Labeling of Commercial Feed

Commercial feed shall be labeled with the information prescribed in the Texas Commercial Feed Control Act (Act) and this chapter on the principal display panel of the product with the following general format, unless otherwise specifically provided.

(1) Purpose Statement

- (A) A statement of purpose shall contain the specific species and animal class(es) for which the feed is intended. The purpose statement may be excluded from the label if the product name includes a description of the species and animal class(es) for which the product is intended.
- (B) The manufacturer shall have flexibility in describing in more specific and common language the defined animal class, specie and purpose while being consistent with the category of animal class defined in this subparagraph which may include, but is not limited to including, the weight range(s), sex or ages of the animal(s) for which the feed is manufactured.

- (i) Poultry.
 - (I) Layers - chickens that are grown to produce eggs for food, i.e., table eggs:
 - (-a-) Starting/Growing - from day of hatch to approximately ten weeks of age;
 - (-b-) Finisher - from approximately ten weeks of age to time first egg is produced. (Approximately 20 weeks of age);
 - (-c-) Laying - from time first egg is laid throughout the time of egg production;
 - (-d-) Breeders - chickens that produce fertile eggs for hatch replacement layers to produce eggs for food, table eggs, from time first egg is laid throughout their productive cycle.
 - (II) Broilers - chickens that are grown for human food:
 - (-a-) Starting/Growing - from day of hatch to approximately five weeks of age;
 - (-b-) Finisher - from approximately five weeks of age to market (42 to 52 days);
 - (-c-) Breeders - hybrid strains of chickens whose offspring are grown for human food (broilers), any age and either sex.
 - (III) Broilers, Breeders - chickens whose offspring are grown for human food (broilers):
 - (-a-) Starting/Growing - from day of hatch until approximately ten weeks of age;
 - (-b-) Finishing - from approximately ten weeks of age to time first egg is produced, approximately 20 weeks of age;
 - (-c-) Laying - fertile egg producing chickens (broilers/roasters) from day of first egg throughout the time fertile eggs are produced.

(IV) Turkeys:

- (-a-) Starting/Growing - turkeys that are grown for human food from day of hatch to approximately 13 weeks of age (males);
- (-b-) Finisher - turkeys that are grown for human food, females from approximately 17 weeks of age; males from 16 weeks of age to 20 weeks of age, (or desired market weight);
- (-c-) Laying - female turkeys that are producing eggs; from time first egg is produced, throughout the time they are producing eggs;
- (-d-) Breeder - turkeys that are grown to produce fertile eggs, from day of hatch to time first egg is produced (approximately 30 weeks of age), both sexes.

(V) Ducks:

- (-a-) Starter - 0 to 3 weeks of age;
- (-b-) Grower - 3 to 6 weeks of age;
- (-c-) Finisher - 6 weeks to market;
- (-d-) Breeder Developer - 8 to 19 weeks of age;
- (-e-) Breeder - 22 weeks to end of lay.

(VI) Geese:

- (-a-) Starter - 0 to 4 weeks of age;
- (-b-) Grower - 4 to 8 weeks of age;
- (-c-) Finisher - 8 weeks to market;
- (-d-) Breeder Developer - 10 to 22 weeks of age;
- (-e-) Breeder - 22 weeks to end of lay.

(ii) Swine.

- (I) Pre-Starter - 2 to 11 pounds;
- (II) Starter - 11 to 44 pounds;
- (III) Grower - 44 to 110 pounds;
- (IV) Finisher - 110 to 242 pounds (market);
- (V) Gilts, Sows and Adult Boars;
- (VI) Lactating Gilts and Sows.

(iii) Beef Cattle.

- (I) Calves (birth to weaning);
- (II) Cattle on Pasture (may be specific as to production stage, i.e., stocker, feeder, replacement heifers, brood cows, bulls, etc.);
- (III) Feedlot Cattle.

(iv) Dairy Cattle.

- (I) Veal Milk Replacer - milk replacer to be fed for veal production;
- (II) Herd Milk Replacer - milk replacer to be fed for herd replacement;
- (III) Starter - approximately 3 days to 3 months;
- (IV) Growing Heifers, Bulls, and Dairy Beef:
 - (-a-) Grower 1 - 3 months to 12 months of age;
 - (-b-) Grower 2 - more than 12 months of age;
- (V) Lactating Dairy Cattle;
- (VI) Non-Lactating Dairy Cattle.

(v) Fish (Species shall be declared in lieu of class).

(I) Trout;

(II) Catfish;

(III) Species other than trout or catfish.

(vi) Rabbit.

(I) Grower - 4 to 12 weeks of age;

(II) Breeder - 12 weeks of age and over.

(vii) Equine.

(I) Foal;

(II) Mare;

(III) Breeding;

(VI) Maintenance.

(viii) Goat and Sheep.

(I) Starter;

(II) Grower;

(III) Finisher;

(IV) Breeder;

(V) Lactating.

(C) The purpose statement may be excluded from the label if the product name includes a description of the specie(s) and animal class(es) for which the product is intended.

(D) A purpose statement of a premix limited to use in the further manufacture of commercial feed may exclude the animal class and species and state "For the Manufacture of Commercial Feed" if the nutrients contained in the premix are guaranteed and sufficient for formulation into various animal species feeds.

- (E) The purpose statement of single purpose ingredient blend limited to use in the further manufacture of commercial feed, such as a blend of animal protein products, milk products, fat products, roughage products or molasses products may exclude the animal class and species and state "For Further Manufacturing of Feed" if the label guarantees of the nutrients contained in the single purpose nutrient blend are sufficient to provide for formulation into various animal species feeds.
 - (F) The purpose statement of a product shall include a statement of enzyme functionality if enzyme activity is represented in any manner.
 - (G) The statement of purpose for single ingredient feeds shall be stated as "Single Ingredient Feed" or "Feed Ingredient". The manufacturer of a single ingredient feed or feed ingredient shall have flexibility in describing in more specific and common language the intended use of the feed ingredient dependent on species and class.
- (2) Product name and brand name, if any.
- (A) The brand and product name shall be appropriate for the intended use of the feed and must not be misleading. If the name indicates the feed is made for a specific use, the character of the feed must conform therewith.
 - (B) The word "protein" shall not be permitted in the product name of a feed that contains non-protein nitrogen.
 - (C) The word "vitamin," or a contraction thereof, or any word suggesting vitamin, shall be used only in the name of a feed which is represented to be a vitamin supplement and which is labeled with the minimum content of each vitamin declared, as specified in paragraph (9)(E) of this section.
 - (D) The term "mineralized" shall not be used in the name of a feed, except for when contained in the expression "trace mineralized salt." When this phrase is displayed on the label, the product must contain significant amounts of trace minerals which are recognized as essential for animal nutrition.
 - (E) The term "meat" or "meat by-products" shall be qualified on the label to designate the type of animal from which the

meat or meat by-products are derived unless the meat or meat by-products are from cattle, swine, sheep, and goats.

- (F) When the product name or brand name of a feed carries a percentage value, it shall be understood to signify the protein and/or equivalent protein of the feed content only, even though such percentage value is not explicitly modified by the word "protein." Other percentage values are permitted in the product name or brand name of a feed if such percentages are followed by a proper description and conform with good labeling practices.
 - (G) Digital numbers shall not be used in the product name or brand name of a feed in such a manner as to be misleading or confusing to a consumer.
 - (H) Unless otherwise specified, single ingredient feeds shall have a product name which comports with the ingredient name assigned to such product by the Association of American Feed Control Officials in its official publication, adopted by reference in §61.1 of this title (relating to Definitions), and shall meet the standard of identity and, where required, list the guarantees of that standard.
- (3) Drug additives, when present.
- (A) The word "medicated" shall be placed directly following and below the product name in type size no smaller than one-half the size of the product name.
 - (B) The purpose of the medication (claim statement) shall be stated.
 - (C) The label shall state any warning or cautionary statement relating to such drug additive required by paragraph (6) of this section, or reference to where such warning or cautionary statement may be found.
 - (D) The label shall display active drug ingredient statement listing:
 - (i) each drug ingredient by its common or usual name; and
 - (ii) the amount of each ingredient.
- (4) Guarantees - Crude Protein, Non-Protein Nitrogen, Amino

Acids, Crude Fat, Crude Fiber, Acid Detergent Fiber, Calcium, Phosphorus, Salt and Sodium shall be the sequence of nutritional guarantees when such guarantee is stated. Other required and voluntary guarantees should follow in a general format such that the units of measure used to express guarantees (percentage, parts per million, International Units, etc.) are listed in a sequence that provides a consistent grouping of the units of measure.

(A) Poultry:

- (i) Chickens and Turkeys - complete feeds and supplements for all animal classes:
 - (I) Minimum percentage of crude protein;
 - (II) Minimum percentage of lysine;
 - (III) Minimum percentage of methionine;
 - (IV) Minimum percentage of crude fat;
 - (V) Maximum percentage of crude fiber;
 - (VI) Minimum and maximum percentage of calcium;
 - (VII) Minimum percentage of phosphorus;
 - (VIII) Minimum and maximum percentage of salt (if added);
 - (IX) Minimum and maximum percentage of total sodium shall be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee.
- (ii) Ducks and Geese - complete feeds and supplements for all animal classes:
 - (I) Minimum percentage of crude protein;
 - (II) Minimum percentage of crude fat;
 - (III) Maximum percentage of crude fiber;
 - (IV) Minimum and maximum percentage of calcium;

- (V) Minimum percentage of phosphorus;
- (VI) Minimum and maximum percentage of salt (if added);
- (VII) Minimum and maximum percentage of total sodium shall be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee.

(B) Swine - complete feeds and supplements for all animal classes:

- (i) Minimum percentage of crude protein;
- (ii) Minimum percentage of lysine;
- (iii) Minimum percentage of crude fat;
- (iv) Maximum percentage of crude fiber;
- (v) Minimum and maximum percentage of calcium;
- (vi) Minimum percentage of phosphorus;
- (vii) Minimum and maximum percentage of salt (if added);
- (viii) Minimum and maximum percentage of total sodium shall be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee;
- (ix) Minimum selenium in parts per million (ppm);
- (x) Minimum zinc in parts per million (ppm).

(C) Beef Cattle:

- (i) Complete Feeds and Supplements - all animal classes:
 - (I) Minimum percentage of crude protein;
 - (II) Maximum percentage of equivalent crude protein from non-protein nitrogen (NPN) when added;
 - (III) Minimum percentage of crude fat;

- (IV) Maximum percentage of crude fiber;
- (V) Minimum and maximum percentage of calcium;
- (VI) Minimum percentage of phosphorus;
- (VII) Minimum and maximum percentage of salt (if added);
- (VIII) Minimum and maximum percentage of total sodium shall be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee;
- (IX) Minimum percentage of potassium;
- (X) Minimum vitamin A, other than precursors of vitamin A, in international units per pound (if added).

(ii) Mineral Feeds (if added):

- (I) Minimum and maximum percentage of calcium;
- (II) Minimum percentage of phosphorus;
- (III) Minimum and maximum percentage of salt;
- (IV) Minimum and maximum percentage of total sodium shall be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee;
- (V) Minimum percentage of magnesium;
- (VI) Minimum percentage of potassium;
- (VII) Minimum copper in parts per million (ppm);
- (VIII) Minimum selenium in parts per million (ppm);
- (IX) Minimum zinc in parts per million (ppm);
- (X) Minimum vitamin A, other than precursors of vitamin A, in international units per pound.

(D) Dairy Cattle:

- (i) Complete Feeds and Supplements - all animal classes:
 - (I) Minimum percentage of crude protein;
 - (II) Maximum percentage of equivalent crude protein from non-protein nitrogen (NPN) when added;
 - (III) Minimum percentage of crude fat;
 - (IV) Maximum percentage of crude fiber;
 - (V) Maximum percentage of acid detergent fiber (ADF);
 - (VI) Minimum and maximum percentage of calcium;
 - (VII) Minimum percentage of phosphorus;
 - (VIII) Minimum selenium in parts per million (ppm);
 - (IX) Minimum vitamin A, other than precursors of vitamin A, in international units per pound (if added).
- (ii) Mixing and Pasture Mineral Feeds (if added):
 - (I) Minimum and maximum percentage of calcium;
 - (II) Minimum percentage of phosphorus;
 - (III) Minimum and maximum percentage of salt;
 - (IV) Minimum and maximum percentage of total sodium shall be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee;
 - (V) Minimum percentage of magnesium;
 - (VI) Minimum percentage of potassium;
 - (VII) Minimum selenium in parts per million (ppm);
 - (VIII) Minimum vitamin A, other than precursors of vitamin A, in international units per pound.

(E) Veal & Herd Replacement Milk Replacer:

- (i) Minimum percentage of crude protein;
 - (ii) Minimum percentage of crude fat;
 - (iii) Maximum percentage of crude fiber;
 - (iv) Minimum and maximum percentage of calcium;
 - (v) Minimum percentage of phosphorus;
 - (vi) Minimum vitamin A, other than precursors of vitamin A, in international units per pound (if added).
- (F) Fish Complete Feeds and Supplements:
- (i) Minimum percentage of crude protein;
 - (ii) Minimum percentage of crude fat;
 - (iii) Maximum percentage of crude fiber;
 - (iv) Minimum percentage of phosphorus.
- (G) Rabbit Complete Feeds and Supplements - all animal classes:
- (i) Minimum percentage of crude protein;
 - (ii) Minimum percentage of crude fat;
 - (iii) Minimum and maximum percentage of crude fiber (the maximum crude fiber shall not exceed the minimum by more than 5.0 percentage units);
 - (iv) Minimum and maximum percentage of calcium;
 - (v) Minimum percentage of phosphorus;
 - (vi) Minimum and maximum percentage of salt (if added);
 - (vii) Minimum and maximum percentage of total sodium shall be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee;
 - (viii) Minimum vitamin A, other than precursors of vitamin A,

in international units per pound (if added).

(H) Equine:

(i) Complete Feeds and Supplements - all animal classes:

- (I) Minimum percentage of crude protein;
- (II) Minimum percentage of crude fat;
- (III) Maximum percentage of crude fiber;
- (IV) Minimum and maximum percentage of calcium;
- (V) Minimum percentage of phosphorus;
- (VI) Minimum copper in parts per million (ppm);
- (VII) Minimum selenium in parts per million (ppm);
- (VIII) Minimum zinc in parts per million (ppm);
- (IX) Minimum vitamin A, other than precursors of vitamin A, in international units per pound (if added).

(ii) Mineral - all animal classes:

- (I) Minimum and maximum percentage of calcium;
- (II) Minimum percentage of phosphorus;
- (III) Minimum and maximum percentage of salt (if added);
- (IV) Minimum and maximum percentage of sodium (guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee);
- (V) Minimum copper in parts per million (ppm);
- (VI) Minimum selenium in parts per million (ppm);
- (VII) Minimum zinc in parts per million (ppm);
- (VIII) Minimum vitamin A, other than precursors of vitamin A, in international units per pound (if

added).

- (I) Goat and Sheep Complete Feeds and Supplements - all animal classes:
 - (i) Minimum percentage of crude protein;
 - (ii) Maximum percentage of equivalent crude protein from non-protein nitrogen (NPN) when added;
 - (iii) Minimum percentage of crude fat;
 - (iv) Maximum percentage of crude fiber;
 - (v) Minimum and maximum percentage of calcium;
 - (vi) Minimum percentage of phosphorus;
 - (vii) Minimum and maximum percentage of salt (if added);
 - (viii) Minimum and maximum percentage of total sodium shall be guaranteed only when total sodium exceeds that furnished by the maximum salt guarantee;
 - (ix) Minimum and maximum copper in parts per million (ppm) (if added, or if total copper exceeds 20 ppm);
 - (x) Minimum selenium in parts per million (ppm);
 - (xi) Minimum vitamin A, other than precursors of vitamin A, in international units per pound (if added).

- (J) Feeds for Other Animal Classes and Species not specifically mentioned above:
 - (i) Minimum percentage of crude protein;
 - (ii) Maximum percentage of equivalent crude protein from non-protein nitrogen (NPN) when added;
 - (iii) Minimum percentage of crude fat;
 - (iv) Maximum percentage of crude fiber;
 - (v) Minimum and maximum percentage of calcium;
 - (vi) Minimum percentage of phosphorus;

- (vii) Minimum and maximum percentage of salt (if added);
 - (viii) Minimum and maximum percentage of total sodium shall be guaranteed when total sodium exceeds that furnished by the maximum salt guarantee;
 - (ix) Other Minerals;
 - (x) Vitamins;
 - (xi) Total sugars as invert;
 - (xii) Microorganisms.
- (K) Grain Mixtures with or without Molasses.
- (i) Minimum percentage of crude protein;
 - (ii) Minimum percentage of crude fat;
 - (iii) Maximum percentage of crude fiber;
 - (iv) Total sugars as invert.
- (L) A commercial feed (e.g., vitamin/mineral premix, base mix, etc.) intended to provide a specialized nutritional source for use in the manufacture of other feeds, must state its intended purpose and guarantee those nutrients relevant to such stated purpose.
- (M) The label of a feed intended for wildlife which contains
- (i) 20-50 ppb aflatoxin requires a prominent statement similar to, "WARNING: Product contains less than 50 ppb aflatoxin. Not for lactating dairy animals. Not for human use"; the distributor may choose to add a statement to the label similar to, "Meets the Texas Standard for Wildlife Feed" adjacent to the warning statement;
 - (ii) less than 20 ppb aflatoxin requires no warning statement nor any statement of aflatoxin content; the distributor may choose to add a statement to the label similar to, "Product contains less than 20 ppb aflatoxin" or "Meets the Texas Standard for Wildlife Feed."

- (5) Feed ingredients.
- (A) The feed ingredients statement for a commercial feed shall include the name of each ingredient in the feed or the collective term for each grouping of feed ingredients contained in the feed, unless exempted under subparagraph (H) of this paragraph.
 - (B) The name of each ingredient or grouping of ingredients listed shall be:
 - (i) the official term for the ingredient or grouping of ingredients adopted by the Association of American Feed Control Officials in its official publication, adopted by reference in §61.1 of this title (relating to Definitions);
 - (ii) the common or usual name for the ingredient; or
 - (iii) a name approved by the Service.
 - (C) When a collective term for a group of ingredients is used on the label of a feed:
 - (i) individual ingredients within that group shall not be listed on the label; and
 - (ii) the Service may require the manufacturer to provide a listing of the individual ingredients within the group that are or have been used in the product as distributed in this state.
 - (D) Tentative definitions for feed ingredients shall not be used until adopted as an official definition by the Association of American Feed Control Officials, unless no official definition exists or the ingredient has a commonly accepted name that requires no definition (e.g., sugar).
 - (E) No reference to quality or grade of an ingredient shall appear in the ingredients statement.
 - (F) The term “dehydrated” may precede the name of any product that has been artificially dried.

- (G) When the term "iodized" is used in connection with a feed ingredient, the ingredient shall contain not less than 0.007% iodine uniformly distributed.
- (H) Exemptions:
 - (i) Carrier ingredients in products used solely as drug and vitamin premixes need not be named in the ingredients statement if:
 - (I) any changes in the carrier will not affect the purposes of the premix;
 - (II) the carrier ingredient is recognized by the Service as being safe;
 - (III) the carrier will not affect the safety, potency, or efficacy of the finished product.
 - (ii) Single ingredient feeds are not required to have an ingredient statement.
- (6) Directions for use and cautionary statements.
 - (A) All feeds which contain additives which require restricted distribution to avoid violation of §141.148(a)(2) or (6) of the Texas Feed Control Act or have been ammoniated for the purpose of minimizing aflatoxin contamination shall have included on their label directions for use and cautionary statements which shall:
 - (i) be adequate to enable safe and effective use of the product for its intended purposes by users with no special knowledge of the purposes and use of such articles; and
 - (ii) include, but not limited to, all information prescribed by the Code of Federal Regulations, Title 21.
 - (B) All feeds supplying particular dietary needs or for supplementing or fortifying the diet or ration with any vitamin, mineral, or other dietary nutrient or compound shall have included on their label adequate directions for use and any cautionary statement necessary for their safe and effective use.

- (i) All mixed feeds containing urea or other non-protein nitrogen products shall have included on their label:
 - (I) the statement "Warning: (or "Caution.") Use as Directed" followed by adequate directions for the safe use of the feed if the equivalent protein from non-protein nitrogen in the feed exceeds one-third of the total crude protein, or more than 8.75% of the equivalent protein is from non-protein nitrogen; and
 - (II) a separate maximum guarantee for non-protein nitrogen originating from the addition of a mineral.
- (ii) All mixed feeds containing ammoniated corn, ammoniated cottonseed, or ammoniated cottonseed meal shall have included on their labels:
 - (I) the term "ammoniated corn," "ammoniated cottonseed," or "ammoniated cottonseed meal" as separate and distinct entities in the ingredient statement in the proper order of predominance;
 - (II) any warning statements which might be required by §61.22(6)(B)(i).
- (iii) Premixes, concentrates or supplements containing more than 1.25% equivalent protein from all forms of non-protein nitrogen, added as such, must contain adequate directions for use and a prominent statement: "WARNING: This feed must be used only in accordance with directions furnished on the label."
- (iv) All directions for use required by this subparagraph shall be printed in a size of type such that the directions will be read and understood by ordinary persons under customary conditions of purchase and use.
- (v) This subparagraph shall apply to all commercial feeds.
- (vi) Feeds, such as medicated feeds, which are required to be labeled with adequate feeding directions and cautionary statements irrespective of the provisions of this subparagraph, shall not be required to bear duplicate feeding directions or cautionary statements

on their labels if such statements as are otherwise required are sufficient to ensure the safe and effective use of the product due to the presence of non-protein nitrogen.

- (C) Fluorine bearing phosphatic materials shall have included on their label the statement: "Caution - - Mix at the rate to not raise the fluorine content in a total ration (exclusive of roughage) above the following levels:
 - (i) 0.004% for breeding and dairy cattle;
 - (ii) 0.009% for slaughter cattle;
 - (iii) 0.006% for sheep;
 - (iv) 0.01% for lambs;
 - (v) 0.015% for swine; and
 - (vi) 0.03% for poultry."
 - (D) All feeds containing recycled animal waste products shall guarantee copper and if the guarantee exceeds 25 ppm (0.0025%) shall bear the legend "WARNING: CONTAINS MORE THAN 25 PPM COPPER. DO NOT FEED TO SHEEP OR GOATS."
- (7) The name and principal mailing address of the person responsible for distributing the feed.
- (A) The principal mailing address shall include the street address, city, state, and zip code; provided, however, that the street address may be omitted if the address is listed in a current city directory or telephone directory.
 - (B) The labeling may bear the name of the purchaser as well as the manufacturer, provided the product is for in-plant use and not for resale.
 - (C) The labeling may bear the name of the distributor as well as the manufacturer, provided that the guarantor of the product is specifically stated.

(8) Quantity Statement

- (A) Net weight and/or net liquid volume must be expressed both in English and in SI units:
 - (i) when the quantity statement is expressed in net pounds, the corresponding SI units shall be in kilograms and vice-versa;
 - (ii) when the quantity statement is expressed in net quarts or gallons, the corresponding SI unit shall be in liters and vice-versa;
 - (iii) when the quantity statement is expressed in net avoirdupois ounces or net fluid ounces, the corresponding SI units shall be in grams and milliliters respectively and vice-versa;
 - (iv) any fractional number which arises expressing the net weight in both systems shall be limited to two decimal places and the number rounded down.
- (B) All dry and liquid bulk shipments shall declare net weight only.
- (C) Net contents other than net weight or net volume shall be expressed as the sum total of the smallest individual unit in the container going to the final customer.
- (D) Measurement.
 - (i) Net weights of packages dry and liquid bulk shall be determined directly from scales or for bulk liquids only as calculated from volume and specific gravity/density.
 - (ii) Conformance to weight guarantee shall be judged solely by use of certified scale defined in accordance with Texas Department of Agricultural standards.
 - (iii) Dip-sticks, uncertified/uncalibrated meters or sight gauges shall not be used to estimate volume. Scales not certified in accordance with the Texas Department of Agriculture standards shall not be used for net weights.

(iv) Net weights shall meet both the English and SI statements on the label.

(v) Conformance to guarantee of number shall be judged by count of intact individual units.

(9) Expression of Guarantees.

(A) The guarantees for crude protein, amino acids and crude fat shall be in terms of minimum percentage.

(B) The guarantees for crude fiber and acid detergent fiber shall be in terms of maximum percentage.

(C) The percentage of equivalent protein from non-protein nitrogen shall be guaranteed as follows:

(i) In feeds designated for ruminants -

(I) Complete feeds, supplements, and concentrates containing more than 5.0% protein from natural sources shall bear the following statement of guarantee: "Crude protein, minimum ____% (This includes not more than ____% equivalent protein from non-protein nitrogen.)"

(II) Mixed feed concentrates and supplements containing less than 5.0% protein from natural sources may bear the following statement of guarantee: "Equivalent crude protein from non-protein nitrogen, minimum ____%."

(III) Ingredient sources of non-protein nitrogen, such as urea, diammonium phosphate, ammonium polyphosphate solution, ammoniated rice hulls, or any other basic non-protein nitrogen ingredient shall bear the following statement of guarantee: "Nitrogen, minimum ____%. Equivalent crude protein from non-protein nitrogen, minimum ____%."

(IV) Liquid feed supplements shall bear the following statement of guarantee: "Crude protein not less than ____% (This includes not more than ____% equivalent protein from non-protein nitrogen.)"

- (ii) Feeds distributed to non-ruminant animals as a source of nutrients other than equivalent crude protein containing urea or other non-protein nitrogen products shall be labeled as follows: Complete feeds, supplements and concentrates containing crude protein from all forms of non-protein nitrogen, added as such. Crude protein, minimum ____%. (This includes not more than ____% equivalent crude protein which is not nutritionally available to ____ (species of animal for which feed is intended)).

(D) The guarantees for minerals shall be expressed as follows.

- (i) Commercial feeds containing calcium, phosphorus and/or salt shall include a guaranteed analysis of the following minerals in the following order:
 - (I) minimum and maximum percentage of calcium (Ca);
 - (II) minimum percentage of phosphorus (P);
 - (III) minimum and maximum percentages of salt (NaCl), when required; and
 - (IV) such other minerals as may be required by clause (ii) in this subparagraph.
- (ii) Other minerals shall be expressed as follows:
 - (I) If the quantity statement is by weight:
 - (-a-) guarantees for minimum potassium, magnesium and maximum fluoride when used shall be stated in terms of percentage.
 - (-b-) Other minimum mineral guarantees shall be stated in percentage when used when the concentration is 1.00% (10,000 ppm) or greater; below 10,000 ppm these guarantees shall be expressed in ppm.
 - (II) If the quantity statement is in tablet, capsules, granules, liquids or boluses, then the guarantee is in mg per unit consistent with quantity statement and directions for use.

(III) When calcium, salt and sodium guarantees are given in the guaranteed analysis, such guarantees shall conform to the following.

(-a-) When the minimum is 5.0% or less, the maximum shall not exceed the minimum by more than one percentage point.

(-b-) When the minimum is above 5.0%, the maximum shall not exceed the minimum by more than 20% and in no case shall the maximum exceed the minimum by more than five percentage points.

(IV) Naturally occurring mineral phosphatic materials for feeding purposes shall be labeled with a guaranteed analysis of the minimum and maximum percentage of calcium (when present), the minimum percentage of phosphorus, and the maximum percentage of fluorine.

(E) If made, the guarantees for vitamins shall be expressed as follows.

(i) The minimum vitamin content of commercial feeds and feed supplements shall be stated on the label in milligrams per pound or units consistent with the quantity statement and with the directions for use, except that:

(I) vitamin A, other than precursors of vitamin A, shall be stated in international units per pound;

(II) vitamin D₃, in products offered for poultry feeding, shall be stated in international chick units per pound;

(III) vitamin D, for other uses, shall be stated in terms of international units per pound;

(IV) vitamin E shall be stated in international units per pound;

(V) vitamin B₁₂ shall be stated in milligrams or micrograms per pound;

- (VI) oils and premixes containing vitamins A, D and/or E may be labeled to show vitamin content in terms of units per gram.
- (ii) Guarantees for vitamin content on the label of a commercial feed shall state the guarantees as menadione, riboflavin, d-pantothenic acid, thiamine, niacin, vitamin B₆, folic acid, choline, biotin, inositol, p-amino benzoic acid, ascorbic acid and/or carotene.
- (F) The guarantees for antibiotics shall be expressed in terms of percent by weight, except that:
 - (i) antibiotics present at less than 2,000 grams per ton (total) of commercial feed shall be stated in grams per ton (total) of commercial feed;
 - (ii) antibiotics present at more than 2,000 grams per ton (total) of commercial feed shall be stated in grams per pound of commercial feed;
 - (iii) the amount of a drug or antibiotic may be expressed in terms of milligrams per pound where the dosage given in the feeding directions is given in milligrams.
- (G) The analysis shall include the minimum percentage total sugars as invert on products being sold for their molasses content or products containing more than 16% sugars.
- (H) The analysis shall include the maximum percent moisture on liquid feed supplements and liquid ingredients containing more than 20% moisture.
- (I) Microorganisms need not be guaranteed when the commercial feed is intended for a purpose other than to furnish these substances and no other specific label claims are made. When guaranteed, the units shall be colony forming units (CFU) per gram if directions for use are in grams or in CFU per pound when directions for use are in pounds. A parenthetical statement following the guarantee shall list each species in order of predominance.

- (J) Other required and voluntary guarantees should follow in a general format such that the units of measure used to express guarantees (percentage, parts per million, international units, etc.) are listed in a sequence which provides a consistent grouping of the units of measure.
- (K) The sliding scale method of expressing guarantees (e.g., "protein is 15-18%, etc.") is prohibited.
- (L) Unless otherwise provided by this section, guarantees for crude protein, equivalent protein from non-protein nitrogen, crude fat, and crude fiber will be in terms of percentage by weight.
- (M) Commercial, registered brand, or trade names are not permitted for use in a statement of guarantee, unless followed by a parenthetical statement giving the technical name of the ingredient.
- (N) Exemptions are as follows.
 - (i) Guarantees for vitamins are not required for commercial feed which is neither formulated nor in any manner represented as a vitamin supplement.
 - (ii) Guarantees for crude protein, crude fat, and crude fiber are not required for commercial feed not intended to furnish these substances, or for feeds in which these substances are of minor significance to the primary purpose of the product (e.g., drug premixes, mineral or vitamin supplements, or molasses).
 - (iii) Liquid ingredients need not be guaranteed to show maximum moisture content when moisture is the difference between the guarantee element and 100% or when the moisture content of the ingredient is less than 20%.
 - (iv) Whole feed-grain, unprocessed in any manner save mechanical blending or mixing with other batches of the same whole kernel feed-grade grain, need not provide guarantees for protein, fat, and fiber.

- (v) A mineral guarantee is not required:
 - (I) when the feed or feed ingredient is intended for non-food producing animals and contains less than 6.5% total minerals; and
 - (II) when the feed or feed ingredient is not represented nor does it serve as a principle source of that mineral to the animal.
- (O) Guarantees for enzymes shall be stated in units of enzymatic activity per unit weight or volume, consistent with label directions. The source organism for each type of enzymatic activity shall be specified, such as: Protease (*Bacillus subtilis*) 5.5 mg amino acids liberated/min/milligram. If two or more sources have the same type of activity, they shall be listed in order of predominance based upon the amount of enzymatic activity provided.

§61.23 Labeling of Customer-Formula Feed

- (a) If a customer-formula feed is identified by a label under the Act, §141.053(a), the label, in addition to the requirements of that section, shall bear the following information:
 - (1) If the feed contains drug additives, the label shall include:
 - (A) the purpose of the medication;
 - (B) any directions for use or cautionary statements required by §61.22(6) of this title (relating to Labeling of Commercial Feed); and
 - (C) any active drug ingredient statement required by 61.22(3)(D) of this title (relating to Labeling of Commercial Feed).
 - (2) If the feed is derived from a feed that has been altered, the label shall include:
 - (A) the label of the feed from which the product was derived; and
 - (B) a listing of the deleted, added, or substituted ingredients and their guaranteed analysis.

- (b) If a customer-formula feed is identified by label under the Act, §141.053(b), concerning the labeling of customer-formula feed, the following shall apply.
 - (1) This alternate method of labeling customer-formula feed shall be accomplished by use of forms prescribed by the Service and signed by both the seller and the purchaser.
 - (2) The original of the form shall, within five days of the transaction, be sent to the Texas Feed and Fertilizer Control Service, P.O. Box 3160, College Station, Texas 77841.
 - (3) The duplicate of the form shall be given to the purchaser simultaneously with the invoice covering the first transaction involving the feed. Any invoices covering subsequent transactions involving the feed shall reference the form. A copy of the form shall be retained by the seller.

SUBCHAPTER D. CHANGES IN LICENSING

§61.25 Redesignation of Facility

- (a) A facility shall notify the Service to amend its license if, after licensing, it wishes:
 - (1) to distribute an ingredient or commercial feed not previously distributed in the state for which safety and efficacy data have not previously been approved by FDA, AAFCO or the Service.
 - (2) to distribute products normally exempt, but subject to control by the Service, including, but not limited to, aflatoxin-containing corn above 20 ppb; products incorporating poultry litter;
 - (3) to change ownership;
 - (4) to change physical location; or
 - (5) to change name.

- (b) Facilities distributing new annual products must complete the Small Package Registration form provided by the Service for products before distribution, but do not need an amended license.
- (c) Facilities subject to subsection (a)(1) and (2) of this section must provide a copy of the label.
- (d) The Service will amend the license and may require the licensee to verify corrections and provide additional information:
 - (1) at no additional license fee to those subject to subsection (a)(1)-(2) of this section if response is received within 30 calendar days of the notification by the Service;
 - (2) at \$75:
 - (A) for those subject to subsection (a)(1)-(2) and (b) of this section if response is more than 31 calendar days after notification by the Service;
 - (B) for those subject to subsection (a)(3)-(5) of this section.

SUBCHAPTER E. LABEL REVIEW

§61.29 Label Review

- (a) The Service shall provide, at no cost, written label review when the requestor represents a facility licensed to distribute the product in Texas.
- (b) The Service shall supply a detailed report or label mark-up of changes necessary, if any, to bring the label into compliance with the Texas Commercial Feed Act, §141.051 or §141.052.
 - (1) Implementation of those changes shall be solely the responsibility of the requestor.
 - (2) Despite any report by the Service, compliance with appropriate labeling regulations shall be solely the responsibility of the guarantor of the product label.

SUBCHAPTER F. INSPECTION FEE

§61.31 Assessment

- (a) The inspection fee shall be calculated and reported on the basis of 2,000 pounds per ton.
- (b) Any change regarding inspection fees may be assessed preceding each quarter of the year.
- (c) When the inspection fee is reduced or increased, the manufacturer and other interested persons will be notified 30 days prior to the effective date of the change.
- (d) The flat rate inspection fee applies to those registered products packaged only in containers weighing five pounds or less. It does not apply to individual products distributed both in containers of five pounds or less and larger container sizes.

SUBCHAPTER G. INSPECTION, SAMPLING, AND ANALYSIS

§61.41 Sampling and Analytical Procedures

- (a) The Service hereby adopts by reference the most recent edition of the *Official Methods of Analysis of the AOAC International* as delineating the sampling and analytical procedures to be applied under the Act and this title.
- (b) The Service may substitute alternate methods for any AOAC sampling or analytical procedure if it deems the alternate procedure more appropriate to the circumstance and sample and there is scientific data or reasoning to support the substitution.
- (c) Copies of sampling or analytical procedures can be obtained by writing to Office of the Texas State Chemist, P.O. Box 3160, College Station, Texas 77841 or by writing to AOAC International, 481 North Frederick Avenue, Suite 500, Gaithersburg, Maryland 20877.

§61.42 Analysis of Customer-Formula Feed

To measure the quality of customer-formula feed, a chemical analysis will be performed on computation using the average analysis of ingredients used. When a premix, supplement, or concentrate is used as one of the ingredients, the analysis on its label will be used for computation.

§61.43 Cottonseed Screenings: Sampling, Analysis and Labeling

- (a) Notwithstanding the provisions of §61.41 of this title (relating to Sampling and Analytical Procedures), when samples of cottonseed screenings are to be obtained, for purposes of uniformity such samples shall be taken from the shipping vehicle after load out by probing vertically into the lot. The sample shall be obtained utilizing the Missouri D tube, a double tube open-sleeve trier, or the 552 grain probe, a double tube compartment trier. Other sampling devices may be used if previously approved by the Office of the Texas State Chemist, Feed and Fertilizer Control Service.

Specifications for the two triers are as follows:

	Type	Dimensions		Compartment Size	
	Length Inches	O.D. Inches	I.D. Inches	No.	Inches
Missouri¹	52	1 1/4	1	1	45
552 Grain²	63	1 3/8	1 1/8	11	3 1/2

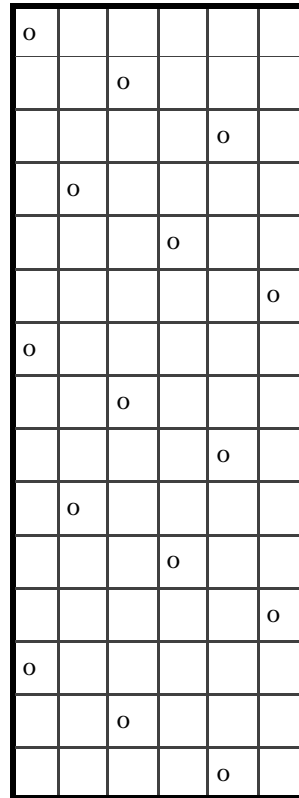
¹Available from Boyd Tool & Die Company, 917 Maple Street, West Des Moines, IA 50265

²Available from Seedboro Equipment Co., 1022 W. Jackson Blvd., Chicago, IL 60607

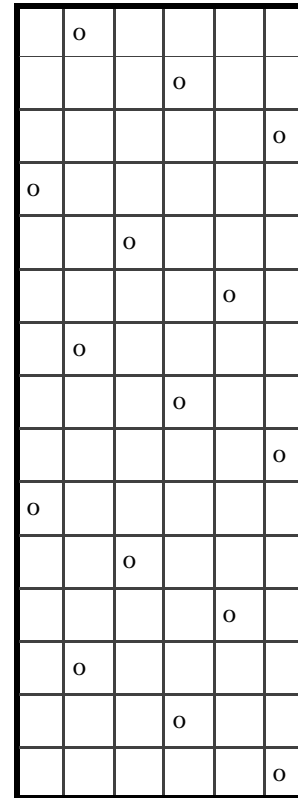
- (b) To obtain a proper sample with the Missouri D tube, the probe is inserted into the lot in the open position, closed, then withdrawn. The 552 compartmented trier, when employed, is inserted to the desired depth in the closed position, opened, filled, closed and withdrawn.

- (c) Fifteen (15) probes shall be acquired, following either of the random probe patterns shown in the following illustration.

**Probe Pattern A
(Front of Vehicle)**



**Probe Pattern B
(Front of Vehicle)**



- (d) The probes shall be composited to form the sample. The entire sample shall be ground to pass a sieve with a 1 mm diameter (1/25") and mixed thoroughly prior to obtaining an aliquot for analysis. The sample shall be analyzed for the following components using the indicated methods, which were adopted in the *Official Methods of Analysis of the Association of Official Analytical Chemists*, Fourteenth Edition (1984), or these methods as amended in subsequent editions of this reference, that is: Crude protein - - Method 7.015 (Kjeldahl); Crude fat - - Method 7.061; and Crude fiber - - either Method 7.066 or 7.071; and no other.

- (e) Cottonseed screenings shall be sampled for analysis from time to time by the Feed and Fertilizer Control Service in such manner as to verify the compositional range of this by-product. The compositional information shall be made available in the annual report on commercial feeds published by the Feed and Fertilizer Control Service.
- (f) At the time of introduction into commerce and thereafter, such by-product shall be labeled "Cottonseed Screenings." The label shall affirmatively state that the product was obtained in the normal and regular course of commercial delinting and processing of cottonseed for planting purposes, and has been subsequently handled so as not to adversely affect its content. Required label guarantees relating to nutrient analysis of cottonseed screenings may conform with the compositional information generated by the Feed and Fertilizer Control Service, provided that the label shall be expressed in the format described under the Act, §141.051(a).

§61.44 Analytical Variations

The Service hereby adopts by reference the analytical variations appearing in the latest official publication of the Association of American Feed Control Officials to be applied in the administration of the Texas Commercial Feed Control Act and this title. Information on the location and cost of this official publication is available from the Office of the Texas State Chemist or the Association of American Feed Control Officials.

SUBCHAPTER H. ADULTERANTS

§61.61 Poisonous or Deleterious Substances

- (a) Poisonous or deleterious substances include, but are not limited to, the following:
 - (1) fluorine and any mineral or mineral mixture which is to be used directly for the feeding of domestic animals and in which the fluorine exceeds 0.20% for breeding and dairy cattle; 0.30% for slaughter cattle; 0.30% for sheep; 0.35% for lambs; 0.45% for swine; and 0.60% for poultry;
 - (2) fluorine-bearing ingredients when used in such amounts that they raise the fluorine content of the total ration (exclusive of roughage) above the following amounts: 0.04% for breeding and dairy cattle; 0.009% for slaughter cattle; 0.006% for sheep; 0.01% for lambs; 0.015% for swine; and 0.03% for poultry;

- (3) soybean meal, flakes, or pellets or other vegetable meals, flakes, or pellets which have been extracted with trichlorethylene or other chlorinated solvents;
- (4) sulfur dioxide, sulfurous acid, and salts of sulfurous acid when used in or on feeds or feed ingredients which are considered or reported to be a significant source of vitamin B₁ (thiamine);
- (5) artificial color that has not been cleared for safety for use in feeds. Evidence of safety must include a clearance for use of these color additives under the provisions of the Federal Food, Drug, and Cosmetic Act. No artificial color material shall be used to enhance the natural color of the feed or feed ingredient whereby inferiority would be concealed; and
- (6) grain, oilseeds, processed grain and oilseed meals containing aflatoxin B₁, B₂, G₁, G₂ above 20 parts per billion (ppb) individually or total except that with proper labeling as approved by the Office of the Texas State Chemist as follows: ≤50 ppb may be distributed when destined for wildlife; ≤100 ppb may be distributed when destined for breeding cattle and breeding goats not used in production of milk for human consumption, breeding swine, mature poultry, and sheep; ≤200 ppb may be distributed when destined for finishing swine (more than 100 lbs. body weight); ≤300 ppb may be distributed when destined for finishing cattle in confinement; grain containing >300 to ≤500 ppb requires a blending permit issued by the Office of the Texas State Chemist; aflatoxin >500 ppb in grain and >300 ppb in oilseed, processed grain, and oilseed meal may not enter commerce and a record of disposition shall be submitted to the Office of the Texas State Chemist.
- (7) grain, oilseeds, processed grain, and oilseed meal containing fumonisin above 5 parts per million (ppm) except that with proper labeling as approved by the Office of the Texas State Chemist and targeted for animal species as follows: ≤20 ppm for swine and catfish not to exceed 50% of diet; ≤30 ppm for breeding ruminants, breeding poultry and breeding mink not to exceed 50% of diet; ≤60 ppm for ruminants > 3 months old being raised for slaughter, and mink being raised for pelt production not to exceed 50% of diet; ≤100 ppm for poultry being raised for slaughter not to exceed 50% of diet; all other species or classes of livestock and pet animals ≤10 ppm not to

exceed 50% of diet except equids and rabbits which should not exceed 5 ppm and 20% of diet; >100 ppm requires a blending permit issued by the Office of the Texas State Chemist.

- (b) All screenings or by-products of grains and seeds containing weed seeds, when used in commercial feed or sold as such to the ultimate consumer, shall be ground fine enough or otherwise treated to destroy viability of such weed seeds so that the finished product contains no viable prohibited noxious weed seeds and not more than 50 viable restricted weed seeds per pound, and not more than 100 of other weed seeds per pound.
- (c) The Service may require evidence satisfactory to the Service of:
 - (1) the safety of any commercial feed if such feed includes ingredients not approved either by the FDA or AAFCO (the Association of American Feed Control Officials); or
 - (2) the efficacy of any commercial feed when such feeds do not meet minimum standards of nutrition for the targeted animal as set forth by recognized authorities on animal nutrition.

§61.65 General Provisions for Ammoniating Aflatoxin-Contaminated Corn, Cottonseed, and/or Cottonseed Meal

- (a) The provisions of the section apply to all facilities and equipment used in the ammoniation and shall also govern those instances in which failure to adhere to these practices causes ineffective treatment of the product. In such cases, the product is adulterated within the meaning of §141.148 of the Texas Commercial Feed Control Act.
- (b) In addition to these provisions, the distributors of ammoniated products shall comply with any and all other provisions of the Texas Feed Rules and the Law.

- (c) The general process used for aflatoxin decontamination of:
 - (1) corn shall involve high pressure/high temperature (HP/HT) process involving the addition of ammonia (gaseous or in solution) and water in a contained vessel. The temperature in the reactor must rise to at least 80 degrees centigrade;
 - (2) cottonseed shall involve the same parameters as corn, but the reaction time must be 2 hours.
- (d) A specific process shall be approved by the Service prior to distribution of any product.
- (e) Aflatoxin concentrations shall be measured before and after ammoniation of each batch or production run by collecting a representative sample, preparing the sample for analysis, and analyzing the total amount for aflatoxins. If the ammoniator holds product for 90 days, the product must be retested before distribution.
- (f) Processors shall keep records to ensure that the appropriate procedures were followed.
- (g) Ammoniated corn, ammoniated cottonseed, and ammoniated cottonseed meal are ingredients separate and distinct from corn and cottonseed themselves and, as such, the label shall bear:
 - (1) the common name term "ammoniated" preceding the ingredient name as required by the Act and the Commercial Feed Rules for any distinct ingredient;
 - (2) the amount of non-protein nitrogen (NPN);
 - (3) the level of aflatoxin after treatment regardless of level; and
 - (4) in addition to any other requirement of the Act or Rules, the statements: "WARNING: NOT FOR HUMAN USE; FEED TO RUMINANTS ONLY. NOT FOR INTERSTATE SHIPMENT."
- (h) Each facility distributing ammoniated corn, ammoniated cottonseed, or ammoniated cottonseed meal must also have in its possession and provide on reasonable request a certificate indicating either

- (1) its ammoniation process has been approved by the Service, or
 - (2) that the firm providing ammoniation has been approved by the Service.
- (i) Each facility must provide to the Service on reasonable request a record showing the name of the buyer, the amount of ammoniated product sold to each buyer during the last two years, and the aflatoxin levels before and after ammoniation.

§61.66 General Provisions for Blending Aflatoxin-Contaminated Corn or Cottonseed

- (a) The provisions of this section apply to the blending of whole grain or seed containing no more than 500 ppb aflatoxin and shall also govern instances in which failure to adhere to the practices results in inappropriate levels of aflatoxin. In the latter case the product is adulterated within the meaning of §141.148 of the Texas Commercial Feed Control Act (Law).
- (b) In addition to these provisions, the distributors of blended corn shall comply with any and all other provisions of the Texas Feed Rules and Law.
- (c) The general process used for blending aflatoxin-containing grain shall consist of:
 - (1) cleaning the grain;
 - (2) blending the grain or seed with the same grain or seed containing no less than 20 ppb aflatoxin.
- (d) Processors shall measure the aflatoxin levels of all grains used in blending before blending as well as the aflatoxin level of the resulting blend on a representative sample.
- (e) Each facility must provide to the Service on reasonable request its records of blending and testing.

§61.67 General Provisions for the Use of Aflatoxin Binding Agents in Customer-Formula Feed

- (a) The provisions of this section apply to the use of aflatoxin binding agents in customer-formula feeds as defined in the Texas Agriculture Code §141.001(7). Labeling requirements for customer-formula feed set forth in §141.053 of the Texas Commercial Feed Control Act require the name and number of pounds of the binding agent to be included on the feed label, and the aflatoxin content to meet defined action levels as established in §61.61(a)(6) of this title, poisonous or deleterious substances.
- (b) In addition to these provisions, the distributors of customer-formula feed shall comply with all applicable provisions of the Texas Feed Rules, and other applicable law.
- (c) The specific binding agent must include directions for use approved by the Service prior to distribution of any binding product. Any claims for aflatoxin binding made on the product labeling must be approved by the Service.
- (d) Processors shall keep records for two years to ensure correct use and quantity of the binding agents used in customer-formula feed for review by the Service pursuant to the Texas Agriculture Code §141.074, records; additional reports; audits.
- (e) Each facility using aflatoxin binding agents must also have in its possession and provide on reasonable request a certificate indicating that the use of aflatoxin binding agents utilized in the formulation has been approved by the Service.
- (f) Each facility must provide to the Service on request a record showing the name of the buyer, the amount of product sold to each buyer during the last two years, and the aflatoxin levels of grain, oilseeds, processed grain and oilseed meals containing aflatoxin B1, B2, G1, G2, and other records designated in subsection (d) of this section.
- (g) Use of aflatoxin binders in non-customer-formula feeds is prohibited. Such use would result in an adulterated product within the meaning of §141.148, Distribution of Adulterated Feed of the Texas Commercial Feed Control Act.

SUBCHAPTER I. GOOD MANUFACTURING PRACTICES

§61.86 Regulation of Medicated Feed Mills

The Service adopts by reference the most recent regulations promulgated under 21 CFR (*Code of Federal Regulations*) Chapter 1, Part 225, which establishes current good manufacturing practices for medicated feeds.

SUBCHAPTER J. ADMINISTRATIVE HEARINGS

§61.91 Cost of Preparing Agency Record

- (a) The Service requires that a party who appeals a final decision in a contested case pay all of the costs associated with preparation of the original or certified copy of the record of the agency's proceedings that is required to be sent to the reviewing courts.
- (b) A charge imposed under subsection (a) is a court cost and shall be assessed by the court in accordance with the Texas rules of Civil Procedure.

