



TEXAS A&M  
**AGRICULTURE**

The Texas A&M University System

Office of the Texas State Chemist  
P.O. Box 3160  
College Station, TX 77841-3160  
t. 979-845-1121 f. 979-845-1389  
web: otscweb.tamu.edu

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**GENERAL INDUSTRY MEMORANDUM NO. 3-1**

**POLICY ON CHARGES FOR CONTESTED SAMPLES**

**OBJECTIVE:**

This document sets forth a procedure to assure payment of independent laboratory charges on all appeal samples.

**BACKGROUND:**

The Texas Commercial Feed Control Act, §141.104, and Texas Commercial Fertilizer Control Act §63.094 provides that a firm may request independent analysis of a violative sample by two qualified chemists selected by the Control Service. If, after consideration of the independent results and those generated in-house, the State Chemist concludes that the official analysis was in error (or questionable), the violation may be rescinded. All costs associated with the independent analysis are thereupon assumed by the Office of the Texas State Chemist. If the violation is not rescinded, the company making the appeal is responsible for the independent laboratory costs.

**POLICY:**

Firms making requests for independent analysis of samples found violative by the State Chemist will be required to submit checks to cover the total cost of analyses at the time of the appeal request. Payment must be in hand before the sample will be provided to the independent laboratories.

Analytical data will still be provided to the Office, where it will be evaluated for effect on the appeal request before being forwarded to the firm in question. Where a violation is rescinded, rebate will be made to the firm by the Control Service.

Dr. Timothy J. Herrman  
State Chemist & Director  
Office of the Texas State Chemist

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