



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

Originally Issued as GAM on Nov. 11, 1991  
Revised Nov. 13, 2006 to General Industry Memorandum

**GENERAL INDUSTRY MEMORANDUM NO. 7-1**

**APPLICABILITY OF FEED AND FERTILIZER LAWS TO SALVAGE MATERIALS**

**OBJECTIVE:**

This policy clarifies the circumstances under which a salvage feed or fertilizer material is subject to the registration, labeling, and inspection fee provisions of these laws.

**BACKGROUND:**

Prior to the amendment of the feed and fertilizer laws in 1983, these statutes failed to address the issue of salvage goods, that is, feed ingredients or fertilizer materials damaged by fire, water, hail, windstorm, conveyance mishaps, or the like (did not address or carry a provision that would either require salvage products to be subject or exempt.) An administrative decision required that a salvage product should be identified as such and that the invoice should carry the statement "Buyer assumes all risks in the purchase of this salvage material". At the time, the sale of salvage was considered a one time sale as such incidents occurred and not subject to the laws. It became apparent that various salvage operation/operators were collecting salvage material not only caused from fire, water, or conveyance mishaps, but from spillage during the manufacturing processes to make further distribution, in a number of cases without appropriate labeling, identifying the material only as "cow feeds" or "fertilizer". Legitimate registrants having to compete with such products began to register numerous complaints with the Control Service. The 1983 laws were amended to include, among other things, salvage materials.

**POLICY:**

Chapter 61 Commercial Feed Rules, §61.1 Definitions and §61.2 Commercial Feed; and Chapter 65 Commercial Fertilizer Rules, §65.1 Definitions and §65.2 Commercial Fertilizer now address salvage materials. For clarification salvage materials sold direct to the users (on-farm feeders/users) as a one time purchase are considered exempt from the laws, giving the manufacturer the opportunity to recoup some of the monetary loss as a result of the damaged products, yet usable by the purchaser.

The salvage product purchased for further distribution into the commercial market places these products in competition with registered products. Those operations making further distribution of salvage products will be required to register, label, report the tonnage and pay the inspection fees thereon.

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

*Teaching • Research • Extension • Service*