The recent record prices for fertilizer materials have demanded that the industry and consumers look for economical ways to supply nutrients to the plant(s). Possibly as a result, an increased marketing of foliar fertilizers has surfaced in Texas. Foliar feeding is not a new concept in the turf, ornamental, and other specialized markets, but fertilizer manufacturers are now targeting more traditional agricultural production markets. Manufacturers and consumers should know that the same laws, rules, and regulations that apply to soil applied fertilizers also apply to foliar applied fertilizers. The manufacturer must be registered to sell fertilizer in Texas, properly label the product, report quarterly or annual tonnage reports, and pay inspections fees. The label must provide the final grade and guaranteed analysis of the product delivered to the consumer. If the foliar fertilizer is blended with water before delivery to the consumer, then the fertilizer manufacturer, distributor, or custom applicator responsible for the addition of the water MUST be registered and guarantee the final grade and guaranteed analysis on the label, including the water.

No false or misleading statements concerning its agricultural value can be made on the container or any advertising matter accompanying or associated with it. This includes false or misleading comparisons of water soluble, foliar applied fertilizers with granular, soil applied fertilizers. Comparisons for units/lbs of N, P, K, and micronutrients per acre are allowable. Subjective comparisons and testimonials are not allowed unless substantiated by scientific research for the specific product.

Representatives from the Office of the Texas State Chemist (OTSC) were also present and fielded complaints and discussed possible unfair competitive advantages in the industry related to misbranded fertilizer products. One topic of particular interest involved the sale of foliar fertilizer and the use of unfair agronomic comparison to ground applied fertilizers (see related article “Foliar Fertilizer”). A strategy to deal with these products was discussed with OTSC field staff present at the workshop.

TAIA and TFI Bulk Blend Workshop

Texas Ag Industries Association (TAIA) and The Fertilizer Institute (TFI) hosted a bulk blend workshop on June 11, 2008 in Salado, Texas. The cadre of speakers presented relevant information for bulk blenders, including:

- Selecting raw materials
- Particle size and uniformity
- Computing formulas
- Plant design and equipment
- Safety
- Training of personnel
- Sampling and testing methodologies

Foliar Fertilizer

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Ammonium Nitrate Annual Registration

Ammonium nitrate registrations must be renewed each fiscal year. The current registrations will expire August 31, 2008. Therefore new ammonium nitrate applications must be submitted before September 1, 2008. The Office of the Texas State Chemist will only renew registrations for applicants that comply fully with the law, including the security, training, recordkeeping and inventory control requirements. The investigative staff will be conducting an inspection of registered facilities in August to evaluate compliance with the law. Firms that fail to comply with the requirements of the law will not be allowed to renew their registration until full compliance with the regulation has been verified.

Annual AAFCO Meeting: Ricky Schroeder Passes on the Gavel

Ricky Schroeder completed his term as president of the Association of American Feed Control Officials (AAFCO) August 3, 2008 at the annual meeting in Nashville, TN. During Schroeder’s term as President, AAFCO signed a Memorandum of Understanding (MOU) with the FDA. The MOU outlined the responsibilities of both AAFCO and FDA in the ingredient definition process. The MOU officially establishes AAFCO as a leader in the feed ingredient definition process. Schroeder represented Texas and AAFCO during the FDA Office of Regulatory Affairs “Revitalizing ORA: Protecting the Public Health in a Changing World.” Also, in September 2007, AAFCO made written comments to the United States Department of Agriculture Grain, Inspection, Packers and Stockyards Administration (GIPSA) concerning the role of USDA in differentiating grain inputs for ethanol production and standardization testing of the co-products of ethanol production. In Schroeder’s letter, he stated that AAFCO already has a recognized ingredient definition process and a process for standardized testing of feed ingredients. As an outcome of this effort, GIPSA withdrew their plan to develop standards for ethanol co-products. AAFCO offered several new training programs during Schroeder’s presidency in addition to the annual inspector and administrator schools. Among these were a Pet Food Workshop and a Mycotoxin Laboratory Methods short course, the latter of which was conducted by the Office of the Texas State Chemist. Several new task forces were established including one on Bio Co-Products, one to review current Model Regulations for Processed Animal Waste Products, and one on HACCP. Schroeder will continue on the AAFCO Board of Directors for one year as the past president.

FDA 50-State Meeting

The Food and Drug Administration (FDA) hosted a 50 state conference In St. Louis, MO to discuss the Food Protection Plan and the interdependence of local, state, and federal agencies. The FDA Commissioner made a brief appearance at the meeting and highlighted some goals of FDA. Among those include hiring an additional 2000 employees. The Food Protection Plan is organized around Prevention, Intervention and Response categories. During the conference working groups addressed core functions of local, state and federal authorities including recalls, outbreak investigation, risk-based sampling and roles/authorities. The Food Protection Plan represents a framework created by FDA outlining a strategy in responding to food-borne outbreaks. The 50 state meeting was conducted to seek input into how the food protection plan strategy can be integrated into local and state food safety programs.
OTSC Website Part IV

**Electronic Analysis Reporting System (EARS)**

OTSC has recently developed an Electronic Analysis Reporting System (EARS) on the OTSC website. The main objective of this new system is to provide real-time information of a sample to the customer. This system displays the timeline and status information in our system as well as the analytical results for tested samples. EARS can be accessed through our website as follows: Reports -> EARS Report (Exhibit 1).

To view the tracking information and the lab results for a sample, simply enter the sample number (10 digits) in the textbox provided for you on the website and then click on the “View Results” button. The results are displayed in a tabbed format which can be clicked to view specific results. **Note:** The Lab Results tab displays the chemical analysis for all analytes tested for a sample with violative results shown in red (Exhibit 3).
Aflatoxin and Fumonisin Results Summary

Aflatoxin and fumonisin levels in the 2008 corn crop are presented in the below maps and are available on the OTSC website.
The level of fumonisin in the corn crop is below the action level (5 ppm) in most counties, but large portions of the crop is contaminated with aflatoxin above the action level (20 ppb).
Of the 405 corn samples collected to date, 171 (42%) are below the action level for aflatoxin. Of the aflatoxin positive samples, 96 (23.7%) fell into the 20-50 ppb range and 64 (15.8%) samples fell into the 50-100 ppb range, respectively. Only 12 (3.0%) corn samples exceeded the 5 ppm action level for fumonisin.
None of the 49 sorghum (milo) samples taken were above the action level for aflatoxin.