BSE Grant Renewal and New Regulation

The Office of the Texas State Chemist submitted a plan for the continuation of the BSE grant funded by the Division of Federal States Relations of the Food and Drug Administration. The project is a continuing effort that began three years ago to provide additional regulatory oversight for the transportation industry, food salvage operations, and on-farm feed manufacturing operations.

On April 25, 2008, the FDA issued a regulation with added safeguards against BSE. This ruling was published in the Federal Register and can be found on the following web address: [http://www.fda.gov/cvm/CVM_Updates/UpdateBSErevised.htm](http://www.fda.gov/cvm/CVM_Updates/UpdateBSErevised.htm)

The amended regulation prohibits the use of certain cattle origin materials in the food and/or feed of all animals. These materials include the following: The entire carcass of bovine spongiform encephalopathy (BSE)-positive cattle; the brains and spinal cords from cattle 30 months of age and older; the entire carcass of cattle not inspected and passed for human consumption that are 30 months of age or older from which brains and spinal cords were not removed; tallow that is derived from BSE positive cattle; tallow that is derived from other materials prohibited by this rule that contains more than 0.15 percent insoluble impurities; and mechanically separated beef that is derived from the materials prohibited by this rule.

Federal Ammonium Nitrate Law

On December 26, 2007 the President of the United States signed into effect H.R. 2764, in part, amending the Security Act of 2002 (6 U.S.C. 361 et seq.) with “Subtitle J—Secure Handling of Ammonium Nitrate”. This Amendment regulates the sale and transfer of ammonium nitrate by requiring registration of both the owners of ammonium nitrate facilities (any entity that produces, sells, or otherwise transfers ownership, including those that provide application services) and purchasers of ammonium nitrate. The registration includes use of a terrorist screening database maintained by the Department of Homeland Security. The Federal Law has a theft reporting requirement of “1 calendar day”. There is preemption language within the Federal Statute for any State law that is “inconsistent” except that additional protection is not prohibited. There are also provisions for a cooperative agreement to delegate the implementation of registration and enforcement to the appropriate State agency at the request of the Governor. As new information becomes available it will be posted on the OTSC website.
Mid-Year Field Staff Conference

The mid-year OTSC field staff conference was held in College Station, March 24-28, 2008. It provides OTSC administration and field staff the opportunity for face-to-face interaction on issues relevant to the agency and the feed and fertilizer industry. The field investigators are the primary contact with the industry and as a result are often times the first to be aware of trends, problems, or unfair competitive advantages. They are the “eyes and ears” of the office and are relied on to communicate industry concerns to the administration.

Agenda items included: a review of the mid-year accomplishments of the annual work plan; exploring ways to improve and further utilize the data management system; review and discuss the BSE inspection checklist; the future of FDA grants and contracts with the OTSC; an update on the Association of American Plant Food Control Officials (AAPFCO) Best Management Practices (BMP) checklist for fertilizer facility audits; the impact of the Department of Homeland Security (DHS) Federal ammonium nitrate legislation on existing Texas regulations; and ammonium nitrate inspection for recordkeeping, on-going inventory controls, and security.

Attending the NASC, FDAAA and AFSS Meetings

The National Animal Supplement Council (NASC) conducted its annual meeting, May 13-14, 2008 in Rockville, MD. The NASC is comprised of over 110 member companies involved in the manufacture and distribution of animal health supplements and feeds. Ben Jones attended as an invited speaker to discuss regulatory updates from the Association of American Feed Control Officials (AAFCO), voluntary adoption of Hazard Analysis and Critical Control Points (HACCP) for the animal feed industry, and the potential benefits of HACCP for the animal health supplement industry.

Ammonium Nitrate Compliance Field Visits

The third week in April, OTSC administration traveled throughout parts of East Texas to determine industry compliance with requirements of the Texas ammonium nitrate legislation. Registration certificates were reviewed to confirm that facilities were registered to sell ammonium nitrate and the certificate is in conspicuous public view in the person’s place of business. Record-keeping requirements were also reviewed, including the form of identification that were presented by the purchaser prior to sale; and sales records with the purchasers name, address, telephone number, date of birth, the date and amount of ammonium nitrate purchased; and any refusals of sale to purchasers by the facility. OTSC administration inspected the firms on-going inventory control for ammonium nitrate; that they perform daily inspections for signs of vandalism and structural integrity; and the firm’s ability to ensure a storage facility is fenced, otherwise enclosed, and locked when unattended. The fertilizer industry has made strides to conform to the requirements, but these visits demonstrate the need for further education, conformance, and verification that all regulations are being followed. Additional visits will occur throughout the next several months as the September anniversary for the annual registration renewal approaches. Strict conformance to the requirements must be confirmed prior to registration renewal.
OTSC Website Part III

With the launch of the new OTSC website last November, one of the many exciting features is described below to facilitate our users for smoother navigation.

Fee Structures

Our new addition of “Form/Fees” section on the website combines the previous “Download Forms” and “Fees” sections. This new “Fees” division provides detailed description of our regulatory fees for the current fiscal year for both commercial feed and fertilizer manufactures.
Ben Jones Named OTSC Assistant Director

Ben’s career with OTSC began in 1985 as a Feed and Fertilizer Inspector in the Austin/San Antonio area and the surrounding Texas hill country. A 23-year career with the agency has included positions as a Feed and Fertilizer Inspector, Feed and Fertilizer Investigator II, III and Supervisor of Field Operations with responsibilities for feed and fertilizer sampling and inspections, and supervision of field staff. Ben became the Manager of Field Operations in 2006. His duties included responsibility for the OTSC annual work plan and performance of 14 field investigators. The field investigators’ duties include routine surveillance inspections and sample collection of feed and fertilizer, medicated and non-medicated feed mill inspections, BSE inspections, consumer compliant investigations, and animal and plant death/sickness investigations. On May 1, 2008 Ben was promoted to Assistant Director of OTSC. While Ben still maintains his previous duties as Manager of Field Operations, he now leads the development and implementation of the annual plan of work for OTSC. He is also active on a number of committees for the Association of American Plant Food Control Officials (AAPFCO), the Association of American Feed Control Officials (AAFCO), and has served as AAFCO President from 2003-2004. Congratulations on this most deserved promotion.

OTSC Spring Advisory Committee Meeting

The Office of the Texas State Chemist Advisory Committee will meet May 23, 2008 in College Station, TX. Agenda items include: addressing compliance issues involving cattle feed containing Lasalocid marketed as deer feed, the new federal ammonium nitrate law and its impact on OTSC & Industry, sulfur levels in feed ingredients and a proposed policy to require labeling of ingredients over 0.5% sulfur, FDA contract and grant extension, public meetings regarding the Animal Feed Safety System and FDA Amendment Act, and the OTSC role in the Import Safety and Food Protection Plans issued by the Interagency working group on Import Safety and FDA, respectively. The Advisory Committee meets twice annually and conducts intermittent conference calls based on need. The committee advisors are appointed by the Director of Texas AgriLIFE Research, Dr. Mark Hussey and serve 4 year terms. The chair and vice chair of the Advisory Committee are Tommy Brandenberger and Scott Averhoff, respectively. The Advisory Committee is comprised of 16 individuals with equal representation from feed and fertilizer and distributors and consumers. The members of the Advisory Committee are listed on the Office website: http://otscweb.tamu.edu