

# ARKANSAS REGISTER

## Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

**John Thurston**

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For Office

Use Only:

Effective Date \_\_\_\_\_ Code Number \_\_\_\_\_

Name of Agency Department of Agriculture

Department Plant Board

Contact Wade Hodge E-mail wade.hodge@agriculture.arkansas.gov Phone 501-219-6361

Statutory Authority for Promulgating Rules 2-16-207

Rule Title: Fertilizer Rules

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☐ Emergency (ACA 25-15-204)

Legal Notice Published ..... \_\_\_\_\_

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Adopted by State Agency ..... 03/12/1982

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Wade Hodge

wade.hodge@agriculture.arkansas.gov

12/23/2019

Contact Person

E-mail Address

Date

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Signature

501-291-6361

wade.hodge@agriculture.arkansas.gov

Phone Number

E-mail Address

Managing Attorney

Title

12/23/2019

Date

## **FERTILIZER RULES**

*(Act 106 of 1951 as amended by Acts 221 and 301 of 1953, Act 356 of 1957, Act 398 of 1981 and Act 189 of 1991, and Act 783 of 1993)*

### **REGULATION NO. 1. Records and Reports.**

**1.1** Adequate records shall be kept to indicate accurately the tonnage of commercial fertilizers distributed in this State by each manufacturer, manipulator or registrant.

**1.2** Monthly fertilizer tonnage reports are required of all registrants by the 20th of the following month even though no tonnages are distributed and/or no inspection fees are due. Manufacturers may elect not to pay the inspection fees on shipments to the account of other manufacturers whose fertilizers are registered in Arkansas, providing however that in such cases the required invoices or shipping tickets in part 1.3 of this Regulation bear a notation similar to "Arkansas inspection fee not paid - responsibility of registrant listed above".

**1.3** Each registrant shall mail a numbered invoice or shipping ticket to the State Plant Board, P.O. Box 1069, Little Rock, Arkansas 72203, within 5 days after each sale or distribution in Arkansas. The invoice or shipping ticket shall bear the following:

- (a) Date of shipment or sale.
- (b) Name and grade of fertilizer material.
- (c) Name and address of manufacturer or shipper.
- (d) Name, address and county of purchaser and/or party to whom shipment is made.
- (e) Number and weight of packages, if any, and total weight in tons for each grade and material.
- (f) Bulk and liquid shipments shall be identified on the invoice by the terms "Bulk" or "Liquid" and the total weight in tons must be given.
- (g) If the shipment is to the account of a registrant, and the inspection fee responsibility is intended to be passed on to such registrant, a notation similar to "Arkansas inspection fee not paid - responsibility of the registrant listed above".

Provided that, on distributions of fertilizer on which a registrant will pay the inspection fees, the Plant Board may permit such registrants to submit in lieu of the foregoing a weekly or monthly summary listing the county, tons, form (bulk, liquid, bagged, etc.) and grade of each fertilizer so distributed. Such summary shall be submitted within five (5) days after the end of the permitted reporting period. When inspection fees are passed on to another registrant, the invoice and shipping ticket with notation requirements as given in this registration shall be complied with.

### **REGULATION NO. 2 Brand Registration and Facility License Fees.**

**2.1 Registrations.** Each fertilizer shall be registered before being offered for sale, sold or distributed in Arkansas. The application for registration shall be submitted in duplicate to the Plant

Board on forms furnished by the Plant Board, and shall be accompanied by a fee of **\$25.00 per brand**. All registrations shall expire June 30 of each year. The name of any commercial fertilizer or fertilizer material shall be considered as a distinct and separate brand when differing in any aspect other than the grade or common name of the fertilizer material.

A distributor shall not be required to register any brand of fertilizer or fertilizer material which is already registered under this Act by another firm or person, provided the label is not modified in any respect.

**2.2 Licenses.** All manufacturers, jobbers, blenders and manipulators of commercial fertilizer and of fertilizer materials to be used in the manufacture of fertilizer, who may desire to sell or offer for sale in Arkansas fertilizer or fertilizer materials, shall first obtain a facility license. Application for the license will be furnished by the Plant Board, and shall be submitted in duplicate and accompanied by a fee of **\$50.00** for each fertilizer blending and/or bulk storage facility. All licenses shall expire June 30 of each year.

### **REGULATION NO. 3. Penalties for Plant Food Storage.**

Penalties shall be assessed according to A or B as herein stated. **Provided**, when a fertilizer is subject to a penalty under both A and B, only the larger penalty shall be assessed.

**Penalty A:** When the total nitrogen, available phosphoric acid, potash value of a fertilizer is found to be deficient from the guarantee to the extent of 3% and not over 5%, the manufacturer shall be liable for the actual deficiency. When the deficiency exceeds 5% of the total value, the penalty shall be three times the actual value of the shortage.

**Penalty B:** When either nitrogen, available phosphoric acid or potash is found deficient from the guarantee to the extent of 10% or more, the manufacturer shall be liable for the value of such shortages.

### **REGULATION NO. 4. Penalty for Short Weight.**

When any fertilizer shipment is found to be short in net weight to the extent of 1% and not exceeding 5% of the guarantee, the manufacturer or his agent shall be liable for the value of the actual shortage. When the weight shortage exceeds 5%, the penalty shall be three times the value of the actual shortage.

### **REGULATION NO. 5. Penalty for Other Variances.**

Deficiencies in any other constituents not listed in RULES Nos. 3 and 4, which the registrant is required to or may guarantee, or excesses of those which are known to be harmful to plants, may be evaluated and penalties prescribed by the Plant Board or its authorized representatives.

## **REGULATION NO. 6. Stop-Sale Orders.**

The Plant Board may issue and enforce a stop-sale order on any fertilizer found subject to a penalty under the Fertilizer rules, or when said fertilizer is consistently found deficient from the guaranteed claims to any appreciable extent. Fertilizers so stop-saled shall be released when the same are labeled by the manufacturer or his agent to reflect the true contents, or when the shipment is to be returned to the manufacturer for reprocessing. All costs and expenses incurred by the Plant Board in such withdrawals shall be paid by the manufacturer to the Plant Board within 15 days after release is given.

## **REGULATION NO. 7. Labeling of Bulk, Liquid or Dry Fertilizers.**

An invoice shall accompany each bulk fertilizer shipment and be given to the purchaser at the time of delivery. The invoice shall bear the following information:

- (a) net weight
- (b) brand name and grade
- (c) guaranteed analysis
- (d) name and address of the manufacturer
- (e) name and address of the purchaser

## **REGULATION NO. 8. Secondary and Minor Plant Nutrients.**

When any reference or claim is made on the label for secondary and minor plant nutrients, a specific % guarantee as the element shall be given in the guaranteed analysis. The elements and the minimum amount of each that may be guaranteed shall be limited to the following, providing however that the minimum(s) may be lower for chelates of these elements upon specific authorization of the Plant Board or its authorized representatives.

<b>Element . . . . . %</b>	<b>Element . . . . . %</b>
Calcium (Ca) . . . . . 1.00	Copper (Cu) . . . . . 0.05
Magnesium (Mg) . . . . . 0.50	Iron (Fe) . . . . . 0.10
Sulfur (S) . . . . . 1.00	Manganese (Mn) . . . . . 0.05
Boron (B) . . . . . 0.02	Molybdenum (Mo) . . . . . 0.0005
Chlorine (Cl) . . . . . 0.10	Sodium (Na) . . . . . 0.10
Cobalt (Co) . . . . . 0.0005	Zinc (Zn) . . . . . 0.05

An additional numeral(s) referring to the guarantee of secondary or minor plant nutrients will not be permitted in conjunction with the usual N-P-K designations of a fertilizer grade.

This publication is provided as a service to assist in the administration of the Act.  
Additional copies are available upon request by contacting:

Arkansas State Plant Board  
Feed & Fertilizer Division  
# 1 Natural Resources Drive  
Little Rock, Arkansas 72205

Telephone 501-225-1598  
Fax 501-225-3590

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In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)



Signature

501-291-6361

wade.hodge@agriculture.arkansas.gov

Phone Number

E-mail Address

Managing Attorney

Title

12/23/2019

Date

**ARKANSAS FEED RULES**

**Regulation 1. Definition and Terms**

- (a) "Act" means the Arkansas Feed Law of 1997.
- (b) "Board" means the State Plant Board.
- (c) "AAFCO" means the Association of American Feed Control Officials, Inc., a non-profit association of state and federal feed regulatory officials.
- (d) "FDA" means the U.S. Food and Drug Administration.
- (e) The names and definitions for commercial feeds shall be the Official Definition of Feed Ingredients adopted by the AAFCO, except as the Board designates otherwise in specific cases.
- (f) The terms used in reference to commercial feeds shall be the Official Feed Terms adopted by the AAFCO, except as the Board designates otherwise in specific cases.
- (g) The following commodities are hereby declared exempt from the definition of commercial feed, under the provisions of Section 3(c) of the Act: Raw meat, hay, straw, stover, silages, cobs, husks, and hulls when unground and when not mixed or intermixed with other materials: Provided that these commodities are not adulterated within the meaning of Section 7, of the Act.
- (h) Individual chemical compounds and substances are hereby declared exempt from the definition of commercial feed under the provisions of Section 3(c) of the Act. It has been determined that these products meet the following criteria:
  - (1) There is an adopted AAFCO definition for the product.
  - (2) The product is either generally recognized as safe (GRAS) or is not covered by a specific FDA Regulation.
  - (3) The product is either a natural occurring product of relatively uniform chemical composition or is manufactured to meet the AAFCO definition of the product.
  - (4) The use of the product in the feed industry constitutes a minor portion of its total industrial use.



- (5) Small quantities of additives, which are intended to impart special desirable characteristics, shall be permitted.
- (6) There is no need or problem of control of this product.
- (i) Canned pet food and specialty pet food are hereby declared exempt from the definition of commercial feed under Section 3(c) of the Act.
- (j) The term "quantity statement" means the net weight (mass), net volume (liquid or dry) or count.
- (k) Feed Supplied to contract feeders and feed ingredients supplied to integrated operators as well as exchanges of feed or feed ingredients between integrated operators who have obtained an exemption license as provided in Section 4 of the Act are exempt from the definition of commercial feed under Section 3C of the Act.
- (l) A growers production of unmanipulated poultry litter is exempt from the provisions of this Act

## **Regulation 2. Label Format**

- (a) Commercial feed, other than customer-formula feed, shall be labeled with the information prescribed in this regulation on the principal display panel of the product and in the following format.
  - (1) Product name and brand name, if any, as stipulated in Regulation 3(a)(1).
  - (2) If a drug is used, label as stipulated in Regulation 3(a)(2).
  - (3) Purpose statement as stipulated in Regulation 3(a)(3).
  - (4) Guaranteed analysis as stipulated in Regulation 3(a)(4).
  - (5) Feed ingredients as stipulated in Regulation 3(a)(5).
  - (6) Directions for use and precautionary statements as stipulated in Regulation 3(a)(6).
  - (7) Name and principal mailing address of the manufacturer or person responsible for distributing the feed as stipulated in Regulation 3(a)(7).
  - (8) Quantity Statement.
- (b) (1) The information required in regulation 2(a)(1)-(5) and (7)-(8) must appear in its entirety on one side of the label or on one side of the container.



- (2) The information required by regulation 2(a)(6) shall be displayed in a prominent place on the label or container but not necessarily on the same side as the above information. When the information required by regulation 2(a)(6) is placed on a different side of the label or container, it must be referenced on the front side with a statement such as "See back of label for directions for use". None of the information required by Regulation 2 shall be subordinated or obscured by other statements or designs.
- (c) Customer-formula feed shall be accompanied with the information prescribed in this regulation using labels, invoice, delivery ticket, or other shipping document bearing the following information.
  - (1) The name and address of the manufacturer.
  - (2) The name and address of the purchaser.
  - (3) The date of sale or delivery.
  - (4) The customer-formula feed name and brand name if any.
  - (5) The product name and net quantity of each registered commercial feed and each other ingredient used in the mixture.
  - (6) The direction for use and precautionary statements as required by rules 7 and 8.
  - (7) If a drug containing product is used:
    - I. The purpose of the medication (claim statement).
    - II. The established name of each active drug ingredient and the level of each drug used in the final mixture expressed in accordance with Regulation 4(d).

### **Regulation 3. Label Information**

- (a) Commercial feed, other than customer-formula feed, shall be labeled with the information prescribed in this regulation.
  - (1) Product name and brand name if any.

- I. The brand or product name must 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. A commercial feed for a particular animal class, must be suitable for that purpose.
- II. Commercial, registered brand or trade names are not permitted in guarantees or ingredient listings and only in the product name of feeds produced by or for the firm holding the rights to such a name.
- III. The name of a commercial feed shall not be derived from one or more ingredients of a mixture to the exclusion of other ingredients and shall not be one representing any components of a mixture unless all components are included in the name; Provided, that if any ingredient or combination of ingredients is intended to impart a distinctive characteristic to the product which is of significance to the purchaser, the name of that ingredient or combination of ingredients may be used as a part of the brand name or product name if the ingredients or combination of ingredients is quantitatively guaranteed in the guaranteed analysis, and the brand or product name is not otherwise false or misleading.
- IV. The word "protein" shall not be permitted in the product name of a feed that contains added non-protein nitrogen.
- V. When the name carries a percentage value, it shall be understood to signify protein and/or equivalent protein content only, even though it may not explicitly modify the percentage with the word "protein": Provided, that other percentage values may be permitted if they are followed by the proper description and conform to good labeling practice. Digital numbers shall not be used in such a manner as to be misleading or confusing to the customer.
- VI. Single ingredient feeds shall have a product name in accordance with the designated definition of feed ingredients as recognized by the AAFCO unless the Board designates otherwise.
- VII. The word "vitamin", or a contraction thereof, or any word suggesting vitamin can 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 Regulation 4(c).

VIII. The term "mineralized" shall not be used in the name of a feed except for "TRACE MINERALIZED SALT". When so used, the product must contain significant amounts of trace minerals, which are recognized as essential for animal nutrition.

IX. The term "meat" and "meat by-products" shall be qualified to designate the animal from which the meat and meat by-products is derived unless the meat and meat by-products are made from cattle, swine, sheep and goats.

(2) If a drug is used:

I. The word "medicated" shall appear directly following and below the product name in type size, no smaller than one-half the type size of the product name.

II. Purpose statement as required in Regulation 3(a)(3).

III. The purpose of medication (claim statement).

IV. An active ingredient statement listing the active drug ingredients by their established name and the amounts in accordance with Regulation 4(d).

(3) Purpose Statement

I. The statement of purpose shall contain the specific species and animal class(es) for which the feed is intended as defined in Regulation 3(a)(4).

II. The manufacturer shall have flexibility in describing in more specific and common language the defined animal class, species and purpose while being consistent with the category of animal class defined in Regulation 3(a)(4) which may include, but is not limited to weight range(s), sex, or ages of the animal(s) for which the feed is manufactured.

III. 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.

IV. The purpose statement of a premix for the manufacture of feed may exclude the animal class and species and state "For Further Manufacture of Feed" if the

nutrients contained in the premix are guaranteed and sufficient for formulation into various animal species feeds and premix specifications are provided by the end user of the premix. [This section applicable to commercial feeds regulated under Regulation 3(a)(4)Xb(10).]

V. The purpose statement of a single purpose ingredient blend, 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 Manufacture 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. [This section applicable to commercial feeds regulated under Regulation 3(a)(4)Xb(10).]

VI. The purpose statement of a product shall include a statement of the enzyme functionality if enzymatic activity is represented in any manner.

(4) Guarantees - Crude Protein, Equivalent Crude Protein from 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.

I. Required guarantees for swine formula feeds

a. Animal classes

- (1) Pre-Starter - 2 to 11 pounds
- (2) Starter - 11 to 44 pounds
- (3) Grower - 44 to 110 pounds
- (4) Finisher - 110 to 242 pounds (market)
- (5) Gilts, Sows and Adult Boars
- (6) Lactating Gilts and Sows

b. Guaranteed analysis for swine complete feeds and supplements (all animal

classes)

- (1) Minimum percentage of Crude Protein
- (2) Minimum percentage of Lysine
- (3) Minimum percentage of Crude Fat
- (4) Maximum percentage of Crude Fiber
- (5) Minimum and maximum percentage of Calcium
- (6) Minimum percentage of Phosphorus
- (7) Minimum and maximum percentage of Salt (if added)
- (8) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee
- (9) Minimum Selenium in parts per million (ppm)
- (10) Minimum Zinc in parts per million (ppm)

II. Required guarantees for formula poultry feeds (broilers, layers and turkeys)

a. Animal classes

- (1) Layer - Chickens that are grown to Produce eggs for food, e.g., table eggs
  - (a) Starting/Growing - From day of hatch to approximately 10 weeks of age.
  - (b) Finisher - From approximately 10 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.
- (2) Broilers - Chickens that are grown for human food.
  - (a) Starting/Growing - From day of hatch to approximately 5

weeks of age.

- (b) Finisher - From approximately 5 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.
- (3) Broilers, Breeders - Chickens whose offspring are grown for human food (broilers).
- (a) Starting/Growing - From day of hatch until approximately 10 weeks of age.
  - (b) Finishing - From approximately 10 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.
- (4) Turkeys
- (a) Starting/Growing - Turkeys that are grown for human food from day of hatch to approximately 13 weeks of age (females) and 16 weeks of age (males).
  - (b) Finisher - Turkeys that are grown for human food, females from approximately 13 weeks of age to 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.
- b. Guaranteed analysis for poultry complete feeds and supplements (all

animal classes)

- (1) Minimum percentage of Crude Protein
- (2) Minimum percentage of Lysine
- (3) Minimum percentage of Methionine
- (4) Minimum percentage of Crude Fat
- (5) Maximum percentage of Crude Fiber
- (6) Minimum and maximum percentage of Calcium
- (7) Minimum percentage of Phosphorus
- (8) Minimum and maximum percentage of Salt (if added)
- (9) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee.

III. Required guarantees for beef cattle formula feeds.

a. Animal classes

- (1) Calves (birth to weaning)
- (2) Cattle on pasture (may be specific as to production stage; e.g. stocker, feeder, replacement heifers, brood cows, bulls, etc.
- (3) Feedlot cattle

b. Guaranteed analysis for beef complete feeds and supplements (all animal classes)

- (1) Minimum percentage of Crude Protein
- (2) Maximum percentage of equivalent crude protein from Non-Protein Nitrogen (NPN) when added
- (3) Minimum percentage of Crude Fat
- (4) Maximum percentage of Crude Fiber
- (5) Minimum and maximum percentage of Calcium
- (6) Minimum percentage of Phosphorus
- (7) Minimum and maximum percentage of Salt (if added)



- (8) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee
- (9) Minimum percentage of Potassium
- (10) Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound (if added)
- c. Guaranteed analysis for beef mineral feeds (if added)
  - (1) Minimum and maximum percentage Calcium
  - (2) Minimum percentage of Phosphorus
  - (3) Minimum and maximum percentage of Salt
  - (4) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee
  - (5) Minimum percentage of Magnesium
  - (6) Minimum percentage of Potassium
  - (7) Minimum Copper in parts per million (ppm)
  - (8) Minimum Selenium in parts per million (ppm)
  - (9) Minimum Zinc in parts per million (ppm)
  - (10) Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound

#### IV. Required guarantees for dairy formula feeds

- a. Animal classes
  - (1) Veal milk replacer - Milk replacer to be fed for veal production.
  - (2) Herd milk replacer - Milk replacer to be fed for herd replacement calves.
  - (3) Starter - Approximately 3 days to 3 months
  - (4) 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

- (5) Lactating dairy cattle
- (6) Non-lactating dairy cattle
- b. Guaranteed analysis for veal and herd replacement milk replacer
  - (1) Minimum percentage Crude Protein
  - (2) Minimum percentage Crude Fat
  - (3) Maximum percentage of Crude Fiber
  - (4) Minimum and maximum percentage Calcium
  - (5) Minimum percentage of Phosphorus
  - (6) Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound (if added)
- c. Guaranteed analysis for dairy cattle complete feeds and supplements
  - (1) Minimum percentage of Crude Protein
  - (2) Maximum percentage of equivalent Crude Protein from Non-Protein Nitrogen (NPN) when added
  - (3) Minimum percentage of Crude Fat
  - (4) Maximum percentage of Crude Fiber
  - (5) Maximum percentage of Acid Detergent Fiber (ADF)
  - (6) Minimum and maximum percentage of Calcium
  - (7) Minimum percentage of Phosphorus
  - (8) Minimum Selenium in parts per million (ppm)
  - (9) Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound (if added)
- d. Guaranteed analysis for dairy mixing and pasture mineral
  - (1) Minimum and maximum percentage of Calcium
  - (2) Minimum percentage of Phosphorus
  - (3) Minimum and maximum percentage of Salt
  - (4) Minimum and maximum percentage of total Sodium
  - (5) Minimum percentage of Magnesium
  - (6) Minimum percentage of Potassium

- (7) Minimum Selenium in parts per million (ppm)
- (8) Minimum Vitamin A, other than the precursors of Vitamin A, in International Units per pound

V. Required guarantees for equine formula feeds

- a. Animal classes
  - (1) Foal
  - (2) Mare
  - (3) Breeding
  - (4) Maintenance
- b. Guaranteed analysis for equine complete feeds and supplements (all animal classes)
  - (1) Minimum percentage of Crude Protein
  - (2) Minimum percentage of Crude Fat
  - (3) Maximum percentage of Crude Fiber
  - (4) Minimum and maximum percentage of Calcium
  - (5) Minimum percentage of Phosphorus
  - (6) Minimum Copper in parts per million (ppm)
  - (7) Minimum Selenium in parts per million (ppm)
  - (8) Minimum Zinc in parts per million (ppm)
  - (9) Minimum Vitamin A, other than the precursors of Vitamin A, in International Units per pound (if added)
- c. Guaranteed analysis for equine mineral feed (all animal classes)
  - (1) Minimum and maximum percentage of Calcium
  - (2) Minimum percentage of Phosphorus
  - (3) Minimum and maximum percentage of Salt (if added)
  - (4) Minimum and maximum percentage of Sodium shall be guaranteed only when the total sodium exceeds that furnished by the maximum salt guarantee
  - (5) Minimum Copper in parts per million (ppm)

- (6) Minimum Selenium in parts per million (ppm)
- (7) Minimum Zinc in parts per million (ppm)
- (8) Minimum vitamin A, other than precursors of Vitamin A, in International Units per pound (if added)

VI. Required guarantees for goat and sheep formula feeds

a. Animal classes

- (1) Starter
- (2) Grower
- (3) Finisher
- (4) Breeder
- (5) Lactating

b. Guaranteed analysis for goat and sheep complete feeds and supplements (all animal classes)

- (1) Minimum percentage of Crude Protein
- (2) Maximum percentage of equivalent crude protein from Non-Protein Nitrogen (NPN) when added
- (3) Minimum percentage of Crude Fat
- (4) Maximum percentage of Crude Fiber
- (5) Minimum and maximum percentage of Calcium
- (6) Minimum percentage of Phosphorus
- (7) Minimum and maximum percentage of Salt (if added)
- (8) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee.
- (9) Minimum and maximum Copper in parts per million (ppm) (if added, or if total copper exceeds 20 ppm)
- (10) Minimum Selenium in parts per million (ppm)
- (11) Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound (if added)

VII. Required guarantees for duck and geese formula feeds.

a. Animal classes

(1) 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

(2) 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

b. Guaranteed analysis for duck and geese complete feeds and supplements  
(for all animal classes)

- (1) Minimum percentage of Crude Protein
- (2) Minimum percentage of Crude Fat
- (3) Maximum percentage of Crude Fiber
- (4) Minimum and maximum percentage of Calcium
- (5) Minimum percentage of Phosphorus
- (6) Minimum and maximum percentage of Salt (if added)
- (7) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee

VIII. Required guarantees for fish complete feeds and supplements

a. Animal species shall be declared in lieu of animal class

- (1) Trout
- (2) Catfish

- (3) Species other than trout or catfish
  - b. Guaranteed analysis for all fish complete feeds and supplements
    - (1) Minimum percentage of Crude Protein
    - (2) Minimum percentage of Crude Fat
    - (3) Maximum percentage of Crude Fiber
    - (4) Minimum percentage of Phosphorus
- IX. Required guarantees for rabbit complete feeds and supplements
  - a. Animal classes
    - (1) Grower - 4 to 12 weeks of age
    - (2) Breeder - 12 weeks of age and over
  - b. Guaranteed analysis for rabbit complete feeds and supplements (all animal classes)
    - (1) Minimum percentage of Crude Protein
    - (2) Minimum percentage of Crude Fat
    - (3) Minimum and maximum percentage of Crude Fiber (the maximum crude fiber shall not exceed the minimum by more than 5.0 units)
    - (4) Minimum and maximum percentage of Calcium
    - (5) Minimum percentage of Phosphorus
    - (6) Minimum and maximum percentage of Salt (if added)
    - (7) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee
    - (8) Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound (if added)
- X. The required guarantees of grain mixtures with or without molasses and feeds other than those described in regulation 3(a)(4)(I thru IX) shall include the following items, unless exempted in section XI, in the order listed:
  - a. Animal class(es) and species for which the product is intended.
  - b. Guaranteed analysis

- (1) Minimum percentage Crude Protein
- (2) Maximum or minimum percentage of Crude Protein from Non-Protein Nitrogen as required in Regulation 4(e)
- (3) Minimum percentage of Crude Fat
- (4) Maximum percentage of Crude Fiber
- (5) Minerals in formula feeds, to include in the following order:
  - (a) Minimum and maximum percentages of Calcium
  - (b) Minimum percentage of Phosphorus
  - (c) Minimum and maximum percentage of Salt (if added)
  - (d) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee
- (6) Minerals in feed ingredients - as specified by the official definitions of the AAFCO
- (7) Vitamins in such terms as specified in Regulation 4(c)
- (8) Total sugars as invert on dried molasses products or products being sold primarily for their sugar content
- (9) Viable lactic acid producing microorganisms for use in silages in terms specified in Regulation 4(g)
- (10) 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.

#### XI. Exemptions

- a. A mineral guarantee for feed excluding those feeds manufactured as complete feeds and for feed supplements intended to be mixed with grain to produce a complete feed for swine, poultry, fish, and veal and herd milk replacers, is not required when:
  - (1) The feed or feed ingredient is not intended or represented or does



- not serve as a principal source of that mineral to the animal; or
- (2) The feed or feed ingredient is intended for non-food producing animals and contains less than 6.5% total mineral.
- b. Guarantees for vitamins are not required when the commercial feed is neither formulated for nor represented in any manner as a vitamin supplement.
- c. Guarantees for crude protein, crude fat, and crude fiber are not required when the commercial feed is intended for purposes other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, such as drug premixes, mineral or vitamin supplements, and molasses.
- d. Guarantees for microorganisms are not required when the commercial feed is intended for a purpose other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, and no specific label claims are made.
- e. The indication for animal class(es) and species is not required on single ingredient products if the ingredient is not intended, represented, or defined for a specific animal class(es) or species.
- (5) Feed ingredients, collective terms for the grouping of feed ingredients, or appropriate statements as provided under the provisions of Section 5(a)(4) of the Act.
- I. The name of each ingredient as defined in the Official Publication of the AAFCO, common or usual name, or one approved by the Board.
- II. Collective terms for the grouping of feed ingredients as defined in the Official Definitions of Feed Ingredients published in the Official Publication of the AAFCO in lieu of the individual ingredients; Provide that:
- a. When a collective term for a group of ingredients is used on the label, individual ingredients within that group shall not be listed on the label.
- b. The manufacturer shall provide the feed control official, upon request,

with a list of individual ingredients, within a defined group, that are or have been used at manufacturing facilities distributing in or into the state.

- (6) Directions for use and precautionary statements or reference to their location if the detailed feeding directions and precautionary statements required by rules 7 and 8 appear elsewhere on the label.
- (7) Name and principal mailing address of the manufacturer or person responsible for distributing the feed. The principal mailing address shall include the street address, city, state, zip code; however, the street address may be omitted if it is shown in the current city directory or telephone directory.
- (8) Quantity Statement

#### **Regulation 4. Expression of Guarantees**

- (a) The guarantees for crude protein, equivalent crude protein from non-protein nitrogen, lysine, methionine, other amino acids, crude fat, crude fiber and acid detergent fiber shall be in terms of percentage.
- (b) Mineral Guarantees
  - (1) When the calcium, salt, and sodium guarantees are given in the guaranteed analysis such shall be stated and conform to the following:
    - I. When the minimum is below 2.5%, the maximum shall not exceed the minimum by more than one percentage point.
    - II. When the minimum is 2.5% but less than 5.%, the maximum shall not exceed the minimum by more than one percentage point.
    - III. When the minimum is above 5.0% or greater the maximum shall not exceed the minimum by more than 20% of the minimum and in no case shall the maximum exceed the minimum by more than five percentage points.
  - (2) When stated, guarantees for minimum and maximum total sodium, and salt: minimum potassium, magnesium, sulfur, phosphorus and maximum fluoride shall be in terms of percentage. Other minimum mineral guarantees shall be stated in

parts per million (ppm) when the concentration is less than 10,000 ppm and in percentage when the concentration is 10,000 ppm (1%) or greater.

- (3) Products labeled with a quantity statement (e.g., tablets, capsules, granules, or liquid) may state mineral guarantees in milligrams (mg) per unit (e.g., tablets, capsules, granules, or liquids) consistent with the quantity statement and directions for use.
- (c) Guarantees for minimum vitamin content of commercial feeds shall be listed in the order specified and are stated in mg/lb or in units consistent with those employed for the quantity statement unless otherwise specified:
- (1) Vitamin A, other than precursors of Vitamin A, in International Units per pound.
  - (2) Vitamin D-3 in products offered for poultry feeding, in International Chick Units per pound.
  - (3) Vitamin D for other uses, International Units per pound.
  - (4) Vitamin E, in International Units per pound.
  - (5) Concentrated oils and feed additive premixes containing vitamins A, D and /or E may, at the option of the distributor be stated in units per gram instead of units per pound.
  - (6) Vitamin B-12, in milligrams or micrograms per pound.
  - (7) All other vitamin guarantees shall express the vitamin activity in milligrams per pound in terms of the following: menadione; riboflavin; d-pantothenic acid; thiamin; niacin; vitamin B-6; folic acid, choline, biotin, inositol; p-amino benzoic acid; ascorbic acid; and carotene.
- (d) Guarantees for drugs shall be stated in terms of percent by weight, except:
- (1) Antibiotics, present at less than 2,000 grams per ton (total) of commercial feed shall be stated in grams per ton of commercial feed.
  - (2) Antibiotics present at 2,000 or more grams per ton (total) of commercial feed, shall be stated in grams per pound of commercial feed.
  - (3) Labels for commercial feeds containing growth promotion and/or feed efficiency levels of antibiotics, which are to be fed continuously as the sole ration, are not

required to make quantitative guarantees except as specifically noted in the Federal Food Additive rules for certain antibiotics, wherein, quantitative guarantees are required regardless of the level or purpose of the antibiotic.

- (4) The term "milligrams per pound" may be used for drugs or antibiotics in those cases where a dosage is given in "milligrams" in the feeding directions.
- (e) Commercial feeds containing any added non-protein nitrogen shall be labeled as follows:
  - (1) For ruminants
    - a. Complete feeds, supplements, and concentrates containing added non-protein nitrogen and containing more than 5% protein from natural sources shall be guaranteed as follows:

Crude Protein, minimum, \_\_\_\_\_%

(This includes not more than \_\_\_\_\_% equivalent crude protein from non-protein nitrogen).
    - b. Mixed feed concentrates and supplements containing less than 5% protein from natural sources may be guaranteed as follows:

Equivalent Crude Protein from Non-Protein Nitrogen, minimum, \_\_\_\_\_%
    - c. Ingredient sources of non-protein nitrogen such as Urea, Diammonium Phosphate, Ammonium Polyphosphate Solution, Ammoniated Rice Hulls, or other basic non-protein nitrogen ingredients defined by the AAFCO shall be guaranteed as follows:

Nitrogen, minimum, \_\_\_\_\_%

Equivalent Crude Protein from Non-Protein Nitrogen, minimum, \_\_\_\_\_%
  - (2) For non-ruminants
    - a. Complete feeds, supplements and concentrates containing crude protein from all forms of non-protein nitrogen, added as such, shall be labeled as follows:

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)**).

- b. Premixes, concentrates or supplements intended for non-ruminants containing more than 1.25% equivalent crude 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.

- (f) Mineral phosphatic materials for feeding purposes shall be labeled with the guarantee for minimum and maximum percentage of calcium (when present), the minimum percentage of phosphorus, and the maximum percentage of fluorine.
- (g) Guarantees for microorganisms shall be stated in colony forming units per gram (CFU/g) when directions are for using the product in grams, or in colony forming units per pound (CFU/lb) when directions are for using the product in pounds. A parenthetical statement following the guarantee shall list each species in order of predominance.
- (h) 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/mg. If two or more sources have the same type of activity, they shall be listed in order of predominance based on the amount of enzymatic activity provided.

#### **Regulation 5. Suitability**

- (a) The nutritional content of commercial feed shall be as purported or is represented to possess by its labeling. Such animal feed, its labeling and intended use must be suitable for the intended purpose of the product.
- (b) Commercial feeds for swine, poultry, and fish, and milk replacer for veal calves and herd replacement calves, when fed according to directions, must meet the nutritional requirements established by:

- (1) The Committee on Animal Nutrition of the National Research Council of the National Academy of Sciences, or
- (2) A signed affidavit attesting to the nutritional adequacy of the feed based upon valid scientific evidence. Such affidavit shall be submitted to the Board upon request.
  - I. An Affidavit certifying the feed sponsor has valid scientific knowledge which assures suitability of the nutritional content of the feed product shall be submitted to the Board only when the suitability of a product is challenged.
  - II. Submission of a completed "Affidavit of Suitability" shall serve as proof of suitability and therefore the feed sponsor shall not be required to provide scientific information nor any reference thereto unless the Board has reason to believe that such product is not suitable for its intended use. In such case the Board shall have the authority to conduct a hearing pursuant to the Administrative Procedures Act requiring the feed sponsor to produce sufficient scientific and other evidence of the product's suitability.
  - III. Upon receipt of a completed "Affidavit of Suitability", the feed sponsor may continue to market the product. When such affidavit is not adequately submitted, the Board may continue to stop sale the feed and order its removal from the marketplace as well as all other feeds manufactured or distributed under the same product name.
  - IV. The Affidavit of Suitability shall contain the following information:
    - a. The feed company's name;
    - b. The feed's product name;
    - c. The name and title of the affiant submitting the document;
    - d. The statement that the affiant has knowledge of the nutritional content of the listed feed product and is familiar with the nutritional requirements for the animal species and animal class(es)

- for which the product is intended as established by the National Research Council of the National Academy of Science;
- e. The statement that the affiant has knowledge of valid scientific evidence that supports the suitability of the product for the intended animal species and animal class(es) for which the feed is intended;
  - f. The date of submission; and
  - g. The signature of the affiant notarized by a Notary Public.

#### **Regulation 6. Ingredients**

- (a) The name of each ingredient or collective term for the grouping of ingredients, when required to be listed, shall be the name as defined in the Official Definitions of Feed

Ingredients as published in the Official Publication of the AAFCO, the common or usual name, or one approved by the Board.

- (b) The name of each ingredient must be shown in letters or type of the same size.
- (c) No reference to quality or grade of an ingredient shall appear in the ingredient statement of a feed.
- (d) The term "dehydrated" may precede the name of any product that has been artificially dried.
- (e) A single ingredient product defined by the AAFCO is not required to have an ingredient statement.
- (f) Tentative definitions for ingredients shall not be used until adopted as official, unless no official definition exists or the ingredient has a common accepted name that requires no definition, (i.e. sugar).
- (g) When the word "iodized" is used in connection with a feed ingredient, the feed ingredient shall contain not less than 0.007% iodine, uniformly distributed.

#### **Regulation 7. Directions for Use and Precautionary Statements**



- (a) Directions for use and precautionary statements on the labeling of all commercial feeds and customer-formula feeds containing additives (including drugs, special purpose additives, or non-nutritive additives) shall:
  - (1) Be adequate to enable safe and effective use for the intended purposes by users with no special knowledge of the purpose and use of such articles; and,
  - (2) Include, but not be limited to, all information described by all applicable rules under the Federal Food, Drug and Cosmetic Act.
- (b) Adequate directions for use and precautionary statements are required for feeds containing non-protein nitrogen as specified in Regulation 8.
- (c) Adequate directions for use and precautionary statements necessary for safe and effective use are required on commercial feeds distributed to supply particular dietary needs or for supplementing or fortifying the usual diet or ration with any vitamin, mineral, or other dietary nutrient or compound.

**Regulation 8. Non-Protein Nitrogen**

- (a) Urea and other non-protein nitrogen products defined in the Official Publication of the AAFCO are acceptable ingredients only in commercial feeds for ruminant animals as a source of equivalent crude protein. If the commercial feed contains more than 8.75% of equivalent crude protein from all forms of non-protein nitrogen, added as such, or the equivalent crude protein from all forms of non-protein nitrogen, added as such, exceeds one-third of the total crude protein, the label shall bear adequate directions for the safe use of feeds and a precautionary statement: "CAUTION: USE AS DIRECTED". The directions for use and the caution statement shall be in type of such size so placed on the label that they will be read and understood by ordinary persons under customary conditions of purchase and use.
- (b) Non-protein nitrogen defined in the Official Publication of the AAFCO, when so indicated, are acceptable ingredients in commercial feeds distributed to non-ruminant animals as a source of nutrients other than equivalent crude protein. The maximum equivalent crude protein from non-protein nitrogen sources when used in non-ruminant

rations shall not exceed 1.25% of the total daily ration.

- (c) On labels such as those for medicated feeds which bear adequate feeding directions and/or warning statements, the presence of added non-protein nitrogen shall not require a duplication of the feeding directions or the precautionary statements as long as those statements include sufficient information to ensure the safe and effective use of this product due to the presence of non-protein nitrogen.

#### **Regulation 9. Drug and Feed Additives**

- (a) In order to distribute a commercial feed which contains additives (including drugs, other special purpose additives, or non-nutritive additives) the distributor may be required to submit evidence to prove the safety and efficacy of the commercial feed when used according to the directions furnished on the label.
- (b) Satisfactory evidence of safety and efficacy of a commercial feed may be:
  - (1) When the commercial feed contains such additives, the use of which conforms to the requirements of the applicable regulation in the Code of Federal rules, Title 21, or which are "prior sanctioned" or "informal review sanctioned" or "generally recognized as safe" for such use, or
  - (2) When the commercial feed is itself a drug as defined in Section 3(h) of the Act and is generally recognized as safe and effective for the labeled use or is marketed subject to an application approved by the Food and Drug Administration under Section 512 of the Federal Food, Drug and Cosmetic Act, or
  - (3) When one of the purposes for feeding a commercial feed is to impart immunity (that is to act through some immunological process) the constituents imparting immunity have been approved for the purpose through the Federal Virus, Serum and Toxins Act of 1913, as amended, or
  - (4) When the commercial feed is a direct fed microbial product and:
    - I. The product meets the particular fermentation product definition; and
    - II. The microbial content statement, as expressed in the labeling, is limited to the following: "Contains as source of live (viable) naturally occurring

microorganisms". This statement shall appear on the label; and

- III. The source is stated with a corresponding guarantee expressed in accordance with Regulation 4(g).
- (5) When the commercial feed is an enzyme product and:
  - I. The product meets the particular enzyme definition defined by AAFCO; and
  - II. The enzyme is stated with a corresponding guarantee expressed in accordance with Regulation 4(h).

#### **Regulation 10. Adulteration**

- (a) For the purpose of Section 7 of the Act, the terms "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: 0.004% 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) Fluorine bearing ingredients incorporated in any feed that is fed directly to cattle, sheep or goats consuming roughage (with or without) limited amounts of grain, that results in a daily fluorine intake in excess of 50 milligrams of Fluorine per 100 pounds of body weight.
  - (4) Soybean meal, flakes or pellets or other vegetable meals, flakes or pellets which have been extracted with trichloroethylene or other chlorinated solvents.
  - (5) 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 B<sub>1</sub> (Thiamine).

- (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 to destroy the viability of such weed seeds.

**Regulation 11. Good Manufacturing Practices**

- (a) For the purposes of enforcement of Section 7(d) of the Act the Board adopts the following as current good manufacturing practices:
  - (1) The rules prescribing current good manufacturing practices for Type B and Type C medicated feeds as published in the Code of Federal rules, Title 21, Part 225, Sections 225.1-222.202.
  - (2) The rules prescribing current good manufacturing practices for Type A Medicated Articles as published in the Code of Federal rules, Title 21, Part 226, Sections 226.1-226.115.