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ARCHIVES DIVISION

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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 603
DEPARTMENT OF AGRICULTURE

FILED

09/30/2024 3:06 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Updates Commercial Feed licensing rules to align with AAFCO regulations.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 10/31/2024 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
Sunny Summers
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 10/23/2024

TIME: 12:00 PM - 1:00 PM

OFFICER: Sunny Summers

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 503-446-4951

CONFERENCE ID: 116560677

SPECIAL INSTRUCTIONS:

Meeting ID: 217 348 177 413

Passcode: dkdQ5x

+1 503-446-4951,,116560677#

NEED FOR THE RULE(S)

Oregon's commercial feed licensing regulations have not been updated in several years, falling behind the national standard AAFCO model regulations which most states adopt. Oregon has also enacted several additional requirements that do not match the national standards. This has placed Oregon feed manufacturers at a disadvantage when trying to distribute feed nationally as they are held to a different standard in Oregon than feed manufacturers in other states that do not distribute in Oregon. Because of these significant differences, many feed manufacturers do not distribute feed products in Oregon, placing Oregon livestock producers at a disadvantage when purchasing feed.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

2024 Association of American Feed Control Officials Official Publication. Available through AAFCO. Copy on file at ODA office.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

These rules are not anticipated to have a significant effect on racial equity in Oregon, although increasing access to livestock feeds, and increasing potential competition among feed manufacturers may have a positive impact on marginalized populations.

FISCAL AND ECONOMIC IMPACT:

These rules are not expected to have any direct fiscal or economic impact on the agency. Standardizing Oregon's regulations with the national standard may indirectly increase license revenue through new products being licensed for distribution into Oregon that were not previously eligible under existing regulations.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s):

These regulations are not expected to have an appreciable change to the cost of compliance among feed manufacturers or livestock producers. No other state or local government agencies/units will be impacted by these regulations.

(2) Effect on small businesses: (a) estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

ODA currently licenses 431 commercial livestock feed manufacturers and non-manufacturing distributors. These regulations are expected to decrease the current recordkeeping and administrative burden on manufacturers by allowing them to utilize the same label formulations in Oregon as they use in other states (many currently maintain separate formulations and packaging/labels for distribution of products in Oregon due to the non-conformity of Oregon's licensing regulations. Most of the changes are anticipated to simplify feed labeling requirements, and very few (if any) changes are likely to result in current feed labels requiring revisions. The overall effect of these regulations is anticipated to decrease the cost of compliance with Oregon feed licensing regulations.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

These rules were initiated through feedback received by several small and medium feed manufacturers in Oregon, as well as feedback received from the Oregon Feed and Grain Association – an Oregon feed industry association, comprised primarily of Oregon-based small to medium-sized feed manufacturers. Further industry feedback was sought through two public Rulemaking Advisory Committee meetings which included both Oregon feed manufacturers as well as Oregon livestock producers (several of whom were small to very-small producers).

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

603-058-0115, 603-058-0116, 603-058-0117, 603-058-0120, 603-058-0125, 603-058-0130, 603-058-0140, 603-

AMEND: 603-058-0115

RULE SUMMARY: Update reference to 2024 AAFCO official publication. Add six state-approved feed ingredients.

CHANGES TO RULE:

603-058-0115

Ingredient Names

For the purposes of ORS 633.006 to 633.089 & 633.992 and OAR 603-058-110 to 603-058-290 when required on the label the ingredient names shall be the common or usual name. It shall accurately identify or describe, in as simple and direct terms as possible, the basic nature of the ingredient or its characterizing properties. The name shall be uniform among all identical or similar ingredients and may not be confusingly similar to the name of any other ingredient that is not reasonably encompassed within the same name. Each ingredient shall be given its own common or usual name that states, in clear terms, what it is in a way that distinguishes it from other ingredients.

Common or usual names shall be:

(1) As listed in chapter 6 of the 2023~~4~~ edition of the Official Publication of the Association of American Feed Control Officials (AAFCO), or

(2) As listed in the Code of Federal Regulations, Title 21 effective as of the date these rules are promulgated, or

(3) Common foods marketed prior to 1958 which are commercially available and suitable for use in animal food but are not defined by OAR 603-058-0116 (1), including but not limited to certain whole seeds, vegetables, or fruits. Common food for animals may include common human foods that are known to be safe for the intended use in animal food.

(4) The following ingredients are approved for use in Oregon in the specified species, under the specified limitations. If listed, the specified precautionary statements must be listed on the label according to OAR 603-011-0170

(a) 3-nitrooxypropanol

(A) Common/alternative names: Bovaer

(B) Approved Species: Lactating dairy cows

(b) Chondroitin Sulphate

(A) Common/alternate names: Chondroitin

(B) Approved Species: Horses not intended for food

(c) Collagen hydrolysate

(A) Common/alternate names: Hydrolyzed collagen

(B) Approved Species: Horses not intended for food

(C) Limitations: Must not contain Specified Risk Materials (SRMs).

(d) Glucosamine sulphate

(A) Common/alternate names: 2-Amino-2-deoxy-D-glucose sulfate

(B) Approved Species: Horses not intended for food

(C) Precautionary Statement: Do not use in pregnant or lactating animals

(e) Methyl sulfonyl methane

(A) Common/alternate names: Dimethyl sulfone, MSM, Sulfonylbismethane

(B) Approved Species: Horses not intended for food

(f) Sodium hyaluronate

(A) Common/alternate names: Hyaluronic acid

(B) Approved Species: Horses not intended for food

(C) Precautionary Statement: Must not contain Specified Risk Materials (SRMs)

Statutory/Other Authority: ~~ORS 633.006-089, 633.992, 561.605, 561.620~~663.055

Statutes/Other Implemented: ORS 633.006-089, 633.992, 561.605, 561.620, ORS 663.067

AMEND: 603-058-0116

RULE SUMMARY: Update reference to 2024 AAFCO official publication.

CHANGES TO RULE:

603-058-0116

Ingredient Definitions

For the purposes of ORS 633.006 to 633.089 & 633.992 and OAR 603-058-110 to 603-058-290 when required to conform with an ingredient definition the following definitions shall be used:¶

- (1) As listed in chapter 6 of the 2023~~4~~ edition of the Official Publication of the Association of American Feed Control Officials (AAFCO), or¶
- (2) As listed in the Code of Federal Regulations, Title 21 effective as of the date these rules are promulgated, or¶
- (3) An ingredient name and definition designated by the Department in OAR 603-058-0115~~(4)~~.

Statutory/Other Authority: ORS ~~633.006-089, 633.992, 561.605, 561.620, 633.055~~

Statutes/Other Implemented: ORS ~~633.006-089, 633.992, 561.605, 561.620~~

AMEND: 603-058-0117

RULE SUMMARY: Update reference to 2024 AAFCO official publication.

CHANGES TO RULE:

603-058-0117

Feed Terms

For the purposes of ORS 633.006 to 633.089 & 633.992 and OAR 603-058-110 to 603-058-290 the feed terms used in reference to commercial feed ingredients shall be those found in chapter 6 of the 202~~3~~⁴ edition of the Official Publication of the Association of American Feed Control Officials (AAFCO).

Statutory/Other Authority: ORS ~~636~~633.006-089, 633.992, 561.605, 561.620~~67, 633.055~~

Statutes/Other Implemented: ORS ~~663-067~~33.006-.089, 633.992, 561.605, 561.620

AMEND: 603-058-0120

RULE SUMMARY: Update to incorporate current AAFCO Model Regulations.

CHANGES TO RULE:

603-058-0120

Label Format for Commercial Feeds ¶¶

(1) Commercial feed, other than custom mixed feed, shall bear the information prescribed in this regulation on the label of the product and in the following format:¶¶

(a) Product name and brand name, if any, as stipulated in OAR 603-058-0130(1);¶¶

(b) If a drug is used, label as stipulated in OAR 603-058-0130(2);¶¶

(c) Purpose statement as stipulated in OAR 603-058-0130(3);¶¶

(d) Guaranteed analysis as stipulated in OAR 603-058-0130(4);¶¶

(e) Feed ingredients as stipulated in OAR 603-058-0130(5);¶¶

(f) Directions for use and precautionary statements as stipulated in OAR 603-058-0130(6);¶¶

(g) Name and principal mailing address ~~and phone number~~ of manufacturer or persons responsible for distributing the feed as stipulated in OAR 603-058-0130(7);¶¶

(h) Quantity statement as stipulated in OAR 603-058-0130(8);¶¶

(i) Lot Number as stipulated in OAR 603-058-0130(9).¶¶

(2) Principal Display Panel:¶¶

(a) The information as required in OAR 603-058-0120(1)(a), (b), (c) and (h) must appear in its entirety on the principal display panel;¶¶

(b) The information as required in OAR 603-058-0120(1)(d), (e), (f), (g) and (i) shall be displayed in a prominent place on the feed tag or label, but not necessarily on the principal display panel;¶¶

(c) None of the information required by OAR 603-058-0120 shall be subordinated or obscured by other statements of fr designs.

Statutory/Other Authority: ~~ORS 633.006-089, 633.992, 561.605, 561.620~~ 63.067

Statutes/Other Implemented: ORS 633.006-089, 633.992, 561.605, 561.620

AMEND: 603-058-0125

RULE SUMMARY: Update to incorporate current AAFCO Model Regulations.

CHANGES TO RULE:

603-058-0125

Label Format for Custom Feeds ¶¶

Custom mixed 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 custom mixed feed name and brand name if any;¶¶

(5) ~~If intended for Dairy or swine it shall also bear the guaranteed analysis as stipulated in OAR 603-058-0130(4);¶¶~~

(6) The product name and net quantity of each registered commercial feed and each other ingredient used in the mixture; [SS1] ¶¶

(7) The directions for use and precautionary statements as required by OAR 603-058-0130(6);¶¶

(8) If a drug containing product is used:¶¶

(a) The Purpose of the medication (claim ~~S~~statement);¶¶

(b) The established name of each active drug ingredient and the level of each drug used in the final mixture expressed in accordance with OAR 603-058-0130(2). ¶¶

(c) The statement: "This feed is formulated for (insert name of final consumer). No resale to other users is allowed."

Statutory/Other Authority: ~~ORS 633.006-089, 633.992, 561.605, 561.620~~ 63.067

Statutes/Other Implemented: ORS 633.006-089, 633.992, 561.605, 561.620

AMEND: 603-058-0130

RULE SUMMARY: Update to incorporate current AAFCO Model Regulations.

CHANGES TO RULE:

603-058-0130

Label Information ¶¶

In addition to the requirements set forth in ORS 633.026, commercial feeds, other than custom mixed feed, shall be labeled with the information prescribed in this regulation.¶¶

(1) Product name and brand name if any:¶¶

(a) 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;¶¶

(b) 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 name;¶¶

(c) 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 is quantitatively guaranteed in the guaranteed analysis, and the brand or product name is not otherwise false or misleading;¶¶

(d) The word "protein" shall not be permitted in the product name of a feed that contains added non-protein nitrogen;¶¶

(e) 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 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. E.G.: "Dairy 16%" containing only 14% Crude Protein is misleading;¶¶

(f) Single ingredient feeds shall have a product name in accordance with the designated definition of feed ingredients as recognized in OAR 603-058-0115;¶¶

(g) 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 OAR 603-058-0130(4);¶¶

(h) The term "mineralized" salt 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;¶¶

(i) 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-byproducts are made from cattle, swine, sheep and goats.¶¶

(2) If a drug is used:¶¶

(a) The word "medicated" shall appear directly following and below the product name in a type size, no smaller than one-half the type size of the product name;¶¶

(b) Purpose statement as required in OAR 603-058-0130(3);¶¶

(c) The purpose of medication (claim statement);¶¶

(d) An Active ingredient statement listing the active drug ingredients by their established name and the amounts in accordance with OAR 603-058-0130(5).¶¶

(3) Purpose Statement:¶¶

(a) The statement of purpose shall contain the specific species and animal class(s) for which the feed is intended as defined in OAR 603-058-0130(4);¶¶

(b) 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 OAR 603-058-0130(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;¶¶

(c) 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;¶¶

(d) 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;¶¶

(e) 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.¶

(f) The purpose statement of a product shall include a statement of enzyme functionality if enzymatic activity is represented in any manner.¶

(g) The statement of purpose for single ingredient feeds shall be stated as "Single Ingredient Feed" or "Feed Ingredient." The manufacturer of a single ingredient feed or feed ingredient shall have flexibility in describing in more specific and common language the intended use of the feed ingredient dependent on species and class.¶

(h) The purpose statement of a feed intended as a treat for a designated species shall include the words "treat" or "snack" and the intended species conspicuously on the principal display panel.¶

(4) Guarantees of nutrients: Crude Protein, Equivalent Crude Protein from Non Protein Nitrogen, ~~Lysine, Methionine~~ Amino Acids, Crude Fat, Crude Fiber, Acid Detergent Fiber, Neutral Detergent Fiber, ~~Dietary Starch, Sugars, Fructans,~~ Calcium, Phosphorus, Salt, Sodium, Magnesium, Potassium, Copper, Selenium, Zinc and Vitamin A Calcium, Phosphorus, Salt, and Sodium shall be the sequence of nutritional guarantees when such guarantee is stated. Other required and voluntary guarantees should follow ~~Vitamin A~~ 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. Individual nutrient guarantees are not required if listed as exempt in section OAR 603-058-0130(4)(m).¶

(a) Required guarantees for swine formula feeds:¶

(A) Animal Classes:¶

(i) Pre-Starter - 2 to 11 pounds;¶

(ii) Starter - 11 to 44 pounds;¶

(iii) Grower - 44 to 110 pounds;¶

(iv) Finisher - 110 to 242 pounds (market);¶

(v) Gilts, Sows and Adult Boars;¶

(vi) Lactating Gilts and Sows.¶

(B) Guaranteed Analysis for Swine Complete Feeds and Supplements (all animal classes):¶

(i) Minimum percentage of Crude Protein;¶

(ii) Minimum percentage of Lysine;¶

(iii) Minimum percentage of Crude Fat;¶

(iv) Maximum percentage of Crude Fiber;¶

(v) Minimum and maximum percentage of Calcium;¶

(vi) Minimum percentage of Phosphorus;¶

(vii) Minimum and maximum percentage of Salt (if added);¶

(viii) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee terms of percentage;¶

(ix) Minimum Selenium in parts per million (ppm);¶

~~(x) Minimum Zinc in parts per million (ppm).¶~~

(b) Required guarantees for Formula Poultry Feeds (Broilers, Layers and Turkeys):¶

(A) Animal Classes:¶

(i) Layer - Chickens that are grown to Produce eggs for food, e.g., table eggs;¶

(I) Starting/Growing - From day of hatch to approximately 10 weeks of age;¶

(II) Finisher - From approximately 10 weeks of age to time first egg is produced. (Approximately 20 weeks of age at time of egg production);¶

(III) Laying - From time of first egg is laid throughout the time of egg production;¶

(IV) 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.¶

(ii) Broilers - Chickens that are grown for human food:¶

(I) Starting/Growing - From day of hatch to approximately 5 weeks of age;¶

(II) Finisher - From approximately 5 weeks of age to market, (42 to 52 days);¶

(III) Breeders - Hybrid strains of chickens whose offspring are grown for human food, (broilers), any age and either sex.¶

(iii) Broilers, Breeders - Chickens whose offspring are grown for human food (broilers):¶

(I) Starting/Growing - From day of hatch until approximately 10 weeks of age;¶

(II) Finishing - From approximately 10 weeks of age to time first egg is produced, approximately 20 weeks of age;¶

(III) Laying - Fertile egg producing chickens (broilers/ roasters) from day of first egg throughout the time fertile eggs are produced.¶

(iv) Turkeys:¶

(I) 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);¶
- (II) 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);¶
- (III) Laying - Female turkeys that are producing eggs; from time first egg is produced, throughout the time they are producing eggs;¶
- (IV) 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):¶
- (i) Minimum percentage of Crude Protein;¶
- (ii) Minimum percentage of Lysine;¶
- (iii) Minimum percentage of Methionine;¶
- (iv) Minimum percentage of Crude Fat;¶
- (v) Maximum percentage of Crude Fiber;¶
- (vi) Minimum and maximum percentage of Calcium;¶
- (vii) Minimum percentage of Phosphorus;¶
- (viii) Minimum and maximum percentage of Salt (if added);¶
- (ix) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee.¶
- (c) Required Guarantees for Beef Cattle Formula Feeds:¶
- (A) Animal Classes:¶
- (i) Calves (birth to weaning);¶
- (ii) Cattle on Pasture (may be specific as to production stage; e.g. stocker, feeder, replacement heifers, brood cows, bulls, etc.);¶
- (iii) Feedlot Cattle.¶
- (B) Guaranteed analysis for Beef Complete Feeds and Supplements (all animal classes):¶
- (i) Minimum percentage of Crude Protein;¶
- (ii) Maximum percentage of equivalent crude protein from Non-Protein Nitrogen (NPN) when added;¶
- (iii) Minimum percentage of Crude Fat;¶
- (iv) Maximum percentage of Crude Fiber;¶
- (v) Minimum and maximum percentage of Calcium (if added);¶
- (vi) Minimum percentage of Phosphorus (if added);¶
- (vii) Minimum and maximum percentage of Salt (if added);¶
- (viii) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee;¶
- (ix) Minimum percentage of Potassium (if added);¶
- (x) 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):¶
- (i) Minimum and maximum percentage Calcium;¶
- (ii) Minimum percentage of Phosphorus;¶
- (iii) Minimum and maximum percentage of Salt;¶
- (iv) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee;¶
- (v) Minimum percentage of Magnesium;¶
- (vi) Minimum percentage of Potassium;¶
- (vii) Minimum Copper in parts per million (ppm);¶
- (viii) Minimum Selenium in parts per million (ppm);¶
- (ix) Minimum Zinc in parts per million (ppm);¶
- (x) Minimum Vitamin A, other than precursors of Vitamin A, international Units per pound.¶
- (d) Required Guarantees for Dairy Formula Feeds:¶
- (A) Animal Classes:¶
- (i) Veal Milk Replacer - Milk Replacer to be fed for veal production;¶
- (ii) Herd Milk Replacer - Milk Replacer to be fed for herd replacement calves;¶
- (iii) Starter - Approximately 3 days to 3 months;¶
- (iv) ~~Growing Heifers, Bulls and Dairy Beef;~~¶
- ~~(I) Grower 1 - 3 months to 12 months of age;~~¶
- ~~(II) Grower 2 - More than 12 months of age.~~ Non-Lactating Dairy Cattle: Replacement Dairy Heifers, Dairy Bulls and Dairy Calves;¶
- (v) Lactating Dairy Cattleows;¶
- (vi) ~~Non-Lactating~~Dry Dairy Cattleows.¶

- (B) Guaranteed Analysis for Veal and Herd Replacement Milk Replacer:¶
- (i) Minimum percentage Crude Protein;¶
 - (ii) Minimum percentage Crude Fat;¶
 - (iii) Maximum percentage of Crude Fiber;¶
 - (iv) Minimum and maximum percentage Calcium;¶
 - (v) Minimum percentage of Phosphorus;¶
 - (vi) 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:¶
- (i) Minimum percentage of Crude Protein;¶
 - (ii) Maximum percentage of Equivalent Crude Protein from Non-Protein Nitrogen (NPN) when added;¶
 - (iii) Minimum percentage of Crude Fat;¶
 - (iv) Maximum percentage of Crude Fiber;¶
 - (v) Maximum percentage of Acid Detergent Fiber (ADF);¶
 - (vi) Minimum and maximum percentage of Calcium (if added);¶
 - (vii) Minimum percentage of Phosphorus (if added);¶
 - (viii) Minimum Selenium in parts per million (ppm) (if added);¶
 - (ix) Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound (if added).¶
- (D) Required Guaranteed Analysis for Dairy Mixing and Pasture Mineral (if added):¶
- (i) Minimum and maximum percentage of Calcium;¶
 - (ii) Minimum percentage of Phosphorus;¶
 - (iii) Minimum and maximum percentage of Magnesium;¶
 - ~~(iv) Salt;¶~~
 - (iv) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee;¶
 - (v) Minimum percentage of Magnesium;¶
 - (vi) Minimum percentage of Potassium;¶
 - (vii) Minimum Selenium in parts per million (ppm);¶
 - (viii) Minimum Vitamin A, other than the precursors of Vitamin A, in International Units per pound.¶
- (e) Required Guarantees for Equine Formula Feeds:¶
- (A) Animal Classes:¶
- (i) ~~Foal~~ Growing;¶
 - (ii) ~~M~~ Broodmare;¶
 - (iii) Breeding;¶
 - ~~(iv) Maintenance~~ Maintenance;¶
 - (iv) Performance (Including Stallions).¶
- (B) Guaranteed Analysis for Equine Complete Feeds and Supplements (all animal classes):¶
- (i) Minimum percentage of Crude Protein;¶
 - (ii) Minimum percentage of Crude Fat;¶
 - (iii) Maximum percentage of Crude Fiber;¶
 - (iv) Maximum percentage of Acid Detergent Fiber (ADF);¶
 - (v) Maximum percentage of Neutral Detergent Fiber (NDF);¶
 - (vi) Minimum and maximum percentage of Calcium (if added);¶
 - (vii) Minimum percentage of Phosphorus (if added);¶
 - (viii) Minimum Copper in parts per million (ppm) (if added);¶
 - (ix) Minimum Selenium in parts per million (ppm) (if added);¶
 - (x) Minimum Zinc in parts per million (ppm) (if added);¶
 - (xi) Minimum Vitamin A, other than the precursors of A, in International Units per pound (if added).¶
- (C) Guaranteed Analysis for Equine Mineral Feeds (all animal classes):¶
- (i) Minimum and maximum percentage of Calcium;¶
 - (ii) Minimum percentage of Phosphorus;¶
 - (iii) Minimum and maximum percentage of Salt (if added);¶
 - ~~(iv) Minimum and maximum percentage of Sodium shall be guaranteed only when the total sodium exceeds that furnished by the maximum salt guarantee;¶~~
 - (v) Minimum Copper in parts per million (ppm) (if added);¶
 - (vi) Minimum Selenium in parts per million (ppm) (if added);¶
 - (vii) Minimum Zinc in parts per million (ppm) (if added);¶
 - (viii) Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound (if added).¶
- (f) Required Guarantees for Sheep Formula Feeds:¶
- (A) Animal Classes:¶

- (i) Starter;¶
- (ii) Grower;¶
- (iii) Finisher;¶
- (iv) Breeder;¶
- (v) Lactating.¶
- (B) Guaranteed Analysis for Sheep Complete Feeds and Supplements (all animal classes):¶
- (i) Minimum percentage of Crude Protein;¶
- (ii) Maximum percentage of equivalent crude protein from Non-Protein Nitrogen (NPN) when added;¶
- (iii) Minimum percentage of Crude Fat;¶
- (iv) Maximum percentage of Crude Fiber;¶
- (v) Minimum and maximum percentage of Calcium;¶
- (vi) Minimum percentage of Phosphorus;¶
- (vii) Minimum and maximum percentage of Salt (if added);¶
- (viii) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee;¶
- (ix) Minimum and maximum Copper in parts per million (ppm) (if added, or if total copper exceeds 20 ppm);¶
- (x) Minimum Selenium in parts per million (ppm) (if added);¶
- (xi) Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound (if added).¶
- (g) Required Guarantees for Goat Formula Feeds:¶
- (A) Animal Classes:¶
- (i) Starter;¶
- (ii) Grower;¶
- (iii) Finisher;¶
- (iv) Breeder;¶
- (v) Lactating.¶
- (B) Guaranteed Analysis for Goat Complete Feeds and Supplements (all animal classes):¶
- (i) Minimum percentage of Crude Protein;¶
- (ii) Maximum percentage of equivalent crude protein from Non-Protein Nitrogen(NPN) when added;¶
- (iii) Minimum percentage of Crude Fat;¶
- (iv) Maximum percentage of Crude fiber;¶
- (v) Maximum percentage of Acid Detergent Fiber (ADF);¶
- (vi) Minimum and maximum percentage of Calcium (if added);¶
- (vii) Minimum percentage of Phosphorus (if added);¶
- (viii) Minimum and maximum percentage of sodium Salt (if added);¶
- (ix) Minimum and maximum Copper in parts per million (ppm) (if added). An additional statement of "no copper source added" is allowed if accurate percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee;¶
- (ix) Minimum and maximum Copper in parts per million (ppm) (if added). ¶
- (x) Minimum Selenium in parts per million (ppm) (if added);¶
- (xi) Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound (if added).¶
- (h) Required Guarantees for Duck and Geese Formula Feeds:¶
- (A) Animal Classes:¶
- (i) Ducks:¶
- (I) Starter - 0 to 3 weeks of age;¶
- (II) Grower - 3 to 6 weeks of age;¶
- (III) Finisher - 6 weeks to market;¶
- (IV) Breeder Developer - 8 to 19 weeks of age;¶
- (V) Breeder - 22 weeks to end of lay.¶
- (ii) Geese:¶
- (I) Starter - 0 to 4 weeks of age;¶
- (II) Grower - 4 to 8 weeks of age;¶
- (III) Finisher - 8 weeks to market;¶
- (IV) Breeder Developer - 10 to 22 weeks of age;¶
- (V) Breeder - 22 weeks to end of lay.¶
- (B) Guaranteed Analysis for Duck and Geese Complete Feeds and Supplements (for all animal classes):¶
- (i) Minimum percentage of Crude Protein;¶
- (ii) Minimum percentage of Crude Fat;¶
- (iii) Maximum percentage of Crude Fiber;¶
- (iv) Minimum and maximum percentage of Calcium (if added);¶

- (v) Minimum percentage of Phosphorus (if added);¶
- (vi) Minimum and maximum percentage of Salt (if added);¶
- (vii) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee.¶
- (i) Required Guarantees for Fish Complete Feeds and Supplement.¶
- (A) Animal Species shall be declared in lieu of animal class:¶
- (i) Trout;¶
- (ii) Catfish;¶
- (iii) Fish ~~S~~species other than trout or catfish.¶
- (B) Guaranteed analysis for all Fish Complete Feeds and Supplements:¶
- (i) Minimum percentage of Crude Protein;¶
- (ii) Minimum percentage of Crude Fat;¶
- (iii) Maximum percentage of Crude Fiber;¶
- (iv) Minimum percentage of Phosphorus.¶
- (j) Required Guarantees for Rabbit Complete Feeds and Supplements.¶
- (A) Animal Classes:¶
- (i) Grower - 4 to 12 weeks of age;¶
- (ii) Breeder - 12 weeks of age and over.¶
- (B) Guaranteed analysis for Rabbit Complete Feeds and Supplements (all animal classes):¶
- (i) Minimum percentage of Crude Protein;¶
- (ii) Minimum percentage of Crude Fat;¶
- (iii) Minimum and maximum percentage of Crude Fiber (the maximum crude fiber shall not exceed the minimum by more than 5.0 units);¶
- (iv) Minimum and maximum percentage of Calcium (if added);¶
- (v) Minimum percentage of Phosphorus (if added);¶
- (vi) Minimum and maximum percentage of Salt (if added);¶
- (vii) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee;¶
- (viii) Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound (if added).¶
- (k) Required guarantees for treats (all animal classes and species)¶
- (A) Minimum percentage of Crude Protein¶
- (B) Minimum percentage of Crude Fat¶
- (C) Maximum percentage of Crude Fiber¶
- (D) Other guarantees, as needed to support nutrient content claims in the labeling as per ORS 633.026(b), and in accordance with terminology, order of guarantees and units of expression as specified in OAR 603-058-0130(3) through as(4).¶
- (l) The required guarantees of grain mixtures with or without molasses and feeds other than those described in regulation OAR 603-058-0130(4)(a) through (j) shall include the following items, unless exempted in section (l), in the order listed:¶
- (A) Animal class(es) and species for which the product is intended.¶
- (B) Guaranteed analysis:¶
- (i) Minimum percentage Crude Protein;¶
- (ii) Maximum or minimum percentage of equivalent Crude Protein from Non-Protein Nitrogen as required in OAR 603-058-0180;¶
- (iii) Minimum percentage of Crude Fat;¶
- (iv) Maximum percentage of Crude Fiber;¶
- (v) Minerals in formula feeds, to include in the following order:¶
- (I) Minimum and maximum percentages of Calcium (if added);¶
- (II) Minimum percentage of Phosphorus (if added);¶
- (III) Minimum and maximum percentage of Salt (if added);¶
- (IV) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee;¶
- (V) Other Minerals.¶
- (vi) Minerals in feed ingredients - nutrient guarantees as specified in OAR 603-058-0116;¶
- (vii) Vitamins in such terms as specified in OAR 603-058-0140;¶
- (viii) Total sugars as invert on dried molasses products or products being sold primarily for their sugar content;¶
- (ix) Viable lactic acid producing microorganisms for use in silages in terms specified in OAR 603-058-0140;¶
- (x) 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.¶

~~(lm) Exemptions. Some feeds covered in section (k) have nutrient levels that are so low the guarantees required under ORS 633.026 (b) would be irrelevant.¶~~

~~(A) A mineral guarantee for feed.¶~~

(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 or herd milk replacers, is not required when:¶

(i) 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¶

(ii) 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 source.¶

(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, or 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(s) and species is not required on single ingredient feeds if the ingredient is not intended, represented, or defined for a specific animal class(s) or species. ~~It should be replaced with "For Further Manufacture of Feed."~~¶

(5) Feed ingredients, collective terms for the grouping of feed ingredients, or appropriate statements as provided under the provisions of ORS 633.026(1)(c):¶

(a) The name of each ingredient as defined in OAR 603-058-0115;¶

(b) Collective terms for the grouping of feed ingredients as defined in OAR 603-058-0115 in lieu of the individual ingredients; Provided 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~~Department, 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.¶

(c) The registrant may affix the statement, "Ingredients as registered with the State" in lieu of an ingredient list on the label as permitted in ORS 633.026(1)(c). The list of ingredients must be on file with the department. This list shall be made available to the feed purchaser upon request.¶

(6) Directions for use and precautionary statements or reference to their location if the detailed feeding directions and precautionary statements required by OAR 603-058-0170 and 603-058-0180 appear elsewhere on the label.¶

(7) Name and principal mailing address ~~and phone number~~ of the manufacturer or person responsible for distributing the feed as required by ORS 633.026(1)(f). The principal mailing address shall include the street address, city, state, and zip code. However, the street address may be omitted if it is shown in the current city directory or telephone directory.¶

(8) Quantity Statement:¶

(a) Net quantity shall be declared in terms of weight, liquid measure or count, based on applicable requirements under the Fair Packaging and Labeling Act (Title 15 U.S.C. 1453) effective as of the date these rules are promulgated;¶

(b) Net quantity labeled in terms of weight shall be expressed both in pounds, with any remainder in terms of ounces or common or decimal fractions of the pound and in appropriate SI metric system units; or in the case of liquid measure, both in the largest whole unit (quarts, quarts and pints or pints, as appropriate) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart and in appropriate SI metric system units;¶

(c) When the declaration of quantity of contents by count does not give adequate information as to the quantity of feed in the container, it shall be combined with such statement of weight, liquid measure, or size of the individual units as will provide such information;¶

(9) Lot Identifier:¶

(a) For the withdraw from distribution purposes in ORS 633.088, a lot identifier that is sufficient to allow the manufacturer to accurately trace the complete manufacturing and distribution history of the product;¶

(b) Records relating the lot identifier to the manufacturer, processing, packing, distribution, receipt, or holding of the product must be kept for one year after the last date of distribution.

Statutory/Other Authority: ORS ~~633.006-089, 633.992, 561.605, 561.620~~63.067
Statutes/Other Implemented: ORS ~~63.067~~33.006-.089, 633.992, 561.605, 561.620

AMEND: 603-058-0140

RULE SUMMARY: Update to incorporate current AAFCO Model Regulations.

CHANGES TO RULE:

603-058-0140

Expression of Guarantees ¶

(1) The guarantees for crude protein, equivalent crude protein from non-protein nitrogen, lysine, methionine, other amino acids, crude fat, crude fiber, ~~neutral detergent fiber, dietary starch, sugars, fructans and acid detergent fiber~~ and other fiber indicators shall be in terms of percentage.¶

(2) Mineral Guarantees:¶

(a) When the calcium, salt, and sodium guarantees are given in the guaranteed analysis such shall be stated and conform to the following:¶

(A) When the minimum is below 2.5%, the maximum shall not exceed the minimum by more than 0.5 percentage points;¶

(B) When the minimum is 2.5% but less than 5.0%, the maximum shall not exceed the minimum by more than one percentage point;¶

(C) 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.¶

(b) 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;¶

(c) 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.¶

(3) 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:¶

(a) Vitamin A, other than precursors of vitamin A, in International Units per pound;¶

(b) Vitamin D-3 in products offered for poultry feeding, in International Chick Units per pound;¶

(c) Vitamin D for other uses, International Units per pound;¶

(d) Vitamin E, in International Units per pound;¶

(e) 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;¶

(f) Vitamin B-12, in milligrams or micrograms per pound;¶

(g) All other vitamin guarantees shall express the vitamin activity in milligrams per pound in terms of the following: menadione, riboflavin, d-pantothenic acid, thiamine, niacin, vitamin B-6, folic acid, choline, biotin, inositol, p-amino benzoic acid, ascorbic acid, and carotene.¶

(4) Guarantees for drugs shall be stated in terms of percent by weight, except:¶

(a) Antibiotics, present at less than 2,000 grams per ton (total) of commercial feed shall be stated in grams per ton of commercial feed;¶

(b) Antibiotics present at 2,000 or more grams per ton (total) of commercial feed shall be stated in grams per pound of commercial feed;¶

(c) 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.¶

(5) Commercial feeds containing any added non-protein nitrogen shall be labeled as follows:¶

(a) 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 shall be guaranteed as follows: Nitrogen, minimum %; Equivalent Crude Protein from Non-Protein Nitrogen, minimum %.¶

(b) 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." ¶

(6) Mineral phosphoric 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. ¶

(7) Guarantees for microorganisms shall be stated ~~in and conform to the following:~~ ¶

~~(a) Colony forming units per gram (CFU/g) or per pound (CFU/lb.) consistent with the directions are for using the product in grams, or in colony forming units per pound (CFU/lb.) when for use, or CFU per product unit (e.g., tablets, capsules, liquids) consistent with directions are for using the product in pounds. e and the quantity statement.~~ ¶

~~(b) A parenthetical statement following the guarantee shall list each species in order of predominance. Such as: Direct fed Microorganisms (min) 54,000 CFU/lb. (bacillus lentus, Lactobacillus acidophilus).~~ ¶

~~(8) Guarantees for enzymes shall be stated in u.~~ ¶

~~(8) Guarantees for enzymes shall be stated and conform to the following:~~ ¶

~~(a) Units of enzymatic activity per unit weight or volume consistent with the directions for use, or Units of enzymatic activity per unit of weight, volume, product unit (e.g., tablets, capsules) consistent with label the directions for use and the quantity statement.~~ ¶

~~(b) The source organism for each type of enzymatic activity shall be specified, such as: Protease (Bacillus subtilis) 5.5 mg amino acids liberated/min./milligram. 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.~~ ¶

~~(9) The sliding scale method of expressing guarantees (e.g., protein 15-18%) is prohibited, unless specifically provided for by applicable law or rule.~~ ¶

~~(10) In addition to the requirements set forth in ORS 633.026, liquid feeds shall be quantitatively guaranteed for:~~ ¶

~~(a) Minimum percent of total sugars expressed as invert sugar; ¶~~

~~(b) Maximum percent of ash; and ¶~~

~~(c) Maximum percent moisture. ¶~~

~~(11) A) Guarantees for dietary starch, sugars, and fructans for Commercial fFeeds containing greater than 0.5 ppm and less than 25 ppm Selenium shall be guaranteed for minimum and maximum selenium ppm, regardless of selenium source. Spread between minimum and maximum shall not exceed 20% of the minimum.~~ ¶

~~(12) All feeds containing greater than 0.5% Sulfur shall be guaranteed for sulfur maximum %.~~ ¶

~~(13)(a) Guarantees for dietary starch, sugars, and fructans, other than customer formula feed:~~ ¶

~~(b) A commercial feed which bears on its labeling a claim in any manner for levels of "dietary starch", "sugars," "fructans," or words of similar designation, shall include on the label:~~ ¶

~~(i) A) Guarantees for maximum percentage of dietary starch and maximum percentage sugars, in the Guaranteed Analysis section immediately following the Crude Fiber guarantee;~~ ¶

~~(ii) B) A maximum percentage guarantee for fructans immediately following sugars, if the feed contains forage products;~~ ¶

~~(iii) Fb) When such guarantees for dietary starch, sugars, or fructans for commercial feeds appear on the label, feeding directions shall indicate the proper use of the feed product and a recommendation to consult with a veterinarian or nutritionist for a recommended diet.~~

Statutory/Other Authority: ORS 633.006-089, 633.992, 561.605, 561.620, 633.067

Statutes/Other Implemented: ORS 663.067, 333.006-.089, 633.992, 561.605, 561.620

AMEND: 603-058-0160

RULE SUMMARY: Update to incorporate current AAFCO Model Regulations.

CHANGES TO RULE:

603-058-0160

Labeling as to Ingredients ¶¶

(1) 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 OAR 603-058-0115.¶¶

(2) The name of each ingredient must be shown in letters or type of the same size.¶¶

(3) No reference to quality or grade of an ingredient shall appear in the ingredient statement of a feed.¶¶

(4) The term "dehydrated" may precede the name of any product that has been artificially dried.¶¶

(5) A single ingredient product is not required to have an ingredient statement.¶¶

(6) 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).¶¶

(7) 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.¶¶

(8) Each carrier shall be listed in the ingredient statement on the label unless it meets the criteria for an incidental ingredient in 21 CFR 501.100(a)(3).

Statutory/Other Authority: ~~ORS 633.006-089, 633.992, 561.605, 561.620~~63.067

Statutes/Other Implemented: ~~ORS 663.067~~33.006-.089, 633.992, 561.605, 561.620

AMEND: 603-058-0170

RULE SUMMARY: Update to incorporate current AAFCO Model Regulations.

CHANGES TO RULE:

603-058-0170

Labeling as to Directions for Use and Precautionary Statements ¶¶

(1) Directions for use and precautionary statements on the labeling of all commercial feeds and custom mixed feeds containing additives (including drugs, special purpose additives, or non-nutritive additives) shall:¶¶

(a) 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¶¶

(b) Include, but not be limited to, all information described by all applicable regulations under the Federal Food, Drug and Cosmetic Act effective as of the date these rules are promulgated.¶¶

(2) Adequate directions for use and precautionary statements are required for feeds containing non-protein nitrogen as specified in OAR 603-058-0180.¶¶

(3) 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.¶¶

~~(4) Commercial and custom mixed feeds containing 50% or more grass seed screenings shall be labeled with the following precautionary statement: "Caution: This feed contains screenings that may contain endophytes. Do not feed in excess of 30% of the total diet. Do not feed free-choice."~~

Statutory/Other Authority: ~~ORS 633.006-089, 633.992, 561.605, 561.620~~63.067

Statutes/Other Implemented: ~~ORS 633.006-.089, 633.992, 561.605, 561.620~~

AMEND: 603-058-0180

RULE SUMMARY: Update to incorporate current AAFCO Model Regulations.

CHANGES TO RULE:

603-058-0180

Non-Protein Nitrogen ¶

(1) Urea and other non-protein nitrogen products 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 a 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.¶

(2) Feeding or use directions for those feeds in which more than 50% of the protein content is derived from non-protein nitrogen sources should include recommendations as to providing adequate supplies of drinking water, sources of energy, forages being fed, minerals, adaptation ("warm-up") periods and stress conditions when necessary.¶

(3) Non-protein nitrogen ingredients, 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.¶

(34) 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.

Statutory/Other Authority: ORS ~~633.006-089, 633.992, 561.605, 561.620~~63.067

Statutes/Other Implemented: ORS ~~663.067~~33.006-.089, 633.992, 561.605, 561.620

AMEND: 603-058-0190

RULE SUMMARY: Update to incorporate current AAFCO Model Regulations.

CHANGES TO RULE:

603-058-0190

Drugs and Feed Additives ¶

(1) Prior to approval of a registration application and/or approval of a label for 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 safety and efficacy of the commercial feed when used according to the directions furnished on the label. ¶

(2) Satisfactory evidence to prove safety and efficacy of a commercial feed may include: ¶

(2)(a) When the commercial feed contains such additives, the use of the additive conforms to the requirements of the applicable ingredient definition in OAR 603-058-0116 for such intended use, or ¶

(b) When the commercial feed is itself a new animal drug as defined in Code of Federal Regulations, Title 21, Part 510.3 (g) effective as of the date these rules are promulgated and is generally recognized as safe and effective for the labeled use or is marketed subject to an application conditionally approved by the Food and Drug Administration under Sec. 512 [21 U.S.C. 360 b] of the Federal Food, Drug, and Cosmetic Act, or ¶

(c) 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, or ¶

(d) When the commercial feed is a direct fed microbial product and: ¶

(i) The product meets the particular fermentation product definition in OAR 603-058-0116, and ¶

(ii) The microbial content statement, as expressed in the labeling, is limited to the following: "Contains a 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 OAR 603-508-0140(7). ¶

(e) When the commercial feed is an enzyme product and: ¶

(i) The product meets the particular enzyme definition as defined in OAR 603-058-0116, and ¶

(ii) The enzyme activity is stated with a corresponding guarantee expressed in accordance with OAR 603-058-0140(8).

Statutory/Other Authority: ~~ORS 633.006-089, 633.992, 561.605, 561.620~~ 63.067

Statutes/Other Implemented: ~~ORS 633.006-089, 633.992, 561.605, 561.620~~

AMEND: 603-058-0200

RULE SUMMARY: Update to incorporate current AAFCO Model Regulations and AAFCO Model Bill.

CHANGES TO RULE:

603-058-0200

Adulterants ¶

~~(1) Wild Bird Feed. Pursuant to ORS 633.045(7), a~~A person may not sell or otherwise distribute wild bird feed containing viable noxious weed seeds that exceed the amounts stated ~~in this rule.~~¶

~~(2) Wild bird feed is defined below:~~ ¶

~~(a) No viable seed of any species listed in OAR 603-056-0205(1), and~~¶

~~(b) No more viable seed than the maximum allowable number of seeds per pound specified for any species listed in OAR 603-056-0205(2).~~¶

~~(2) 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 or otherwise treated to destroy the viability of such weed seeds so that the finished product contains:~~¶

~~(a) No viable seed for any species listed in ORS 633.006(20), AR 603-056-0205(1), and~~¶

~~(3b) Wild bird feed sold or distributed to the final consumer shall contain:~~¶

~~(a) No viable prohibited noxious weed seed listed in OAR 603-056-0205(1) Prohibited noxious weed seeds.~~¶

~~(b) No more viable restricted noxious weed seed than the maximum allowable number of seeds per pound specified for any species in OAR 603-056-0205(2).~~¶

~~(3) In addition to ORS 633.045, a commercial feed shall be deemed to be adulterated:~~¶

~~(a) If it bears or contains any added poisonous, added deleterious, or added non-nutritive substance which is unsafe within the meaning of Section 406 of the Federal Food, Drug, and Cosmetic Act, other than one which is:~~ ¶

~~(A) a pesticide chemical in or on a raw agricultural commodity, or~~ ¶

~~(B) a food additive; or~~¶

~~(b) if it is, or it bears or contains any food additive which is unsafe within the meaning of Section 409 of the Federal Food, Drug, and Cosmetic Act; or~~¶

~~(c) If it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of Section 408 (a) of the Federal Food, Drug, and Cosmetic Act; provided, that where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or a tolerance prescribed under Section 408 of the Federal Food, Drug, and Cosmetic act and such raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating, or milling, the residue of such pesticide chemical remaining in or on such processed feed shall not be deemed unsafe if such residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and the concentration of such residue in the processed feed is not greater than the tolerance prescribed for the raw agricultural commodity unless the feeding of such processed feed will result or is likely to result in a pesticide residue in the edible product of the animal, which is unsafe within the meaning of Section 408 (a) of the Federal Food, Drug, and Cosmetic Act; or~~¶

~~(d) If it is, or it bears or contains any color additive which is unsafe within the meaning of Section 721 of the Federal Food, Drug, and Cosmetic Act; or~~¶

~~(e) If it is, or it bears or contains any new animal drug which is unsafe within the meaning of Section 512 of the Federal Food, Drug, and Cosmetic Act; or~~¶

~~(f) If it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for feed;~~ or¶

~~(g) If it has been prepared, packed, or held under unsanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health, with or without filth findings in correlated samples; or~~¶

~~(h) If it has been prepared, packed, or held in a facility with evidence of substantial insect, rodent, or bird infestation, whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health, with or without filth findings in correlated samples; or~~¶

~~(i) If it is, in whole or in part, the product of a diseased animal or of an animal which has died otherwise than by slaughter which is unsafe within the meaning of Section 402 (a)(1) or (2) of the Federal Food, Drug, and Cosmetic Act; or~~¶

~~(j) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or~~¶

~~(k) If damage or inferiority has been concealed in any manner; of seeds per pound specified by species in OAR;~~¶

~~(l) If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with the~~

regulation or exemption in effect pursuant to Section 409 of the Federal Food, Drug, and Cosmetic Act, or
(m) If it contains a drug and the methods used in the facilities or controls used for its manufacture, processing, or
packaging do not conform to 603-0568-0205(2) Restricted noxious weed seed¹⁰ to assure that the drug meets
the requirement of this section as to safety and has the identity and strength and meets the quality and purity
characteristics which it purports or is represented to possess.^{¶¶}

(4) For the purpose of ORS 633.045, the terms "poisonous or deleterious substances" include but are not limited to the following:^{¶¶}

(a) 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 the 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;^{¶¶}

(b) 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;^{¶¶}

(c) 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;^{¶¶}

(d) Soybean meal, flakes or pellets or other vegetable meals, flakes or pellets, which have been extracted with trichloroethylene or other, chlorinated solvents;^{¶¶}

(e) 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 B1 (Thiamine);^{¶¶}

(f) Selenium in swine gestation or lactation complete diets that exceeds 1.00 ppm;^{¶¶}

(g) Lolitrem b in excess of 1800 ppb in the total diet;^{¶¶}

(h) Ergovaline in excess of: 300 ppb in equine total diets; 400 ppb in cattle total diets and 500 ppb in the total diets of sheep and goats.^{¶¶}

~~(5) 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 or otherwise treated to destroy the viability of such weed seeds so that the finished product contains:^{¶¶}~~

~~(a) No viable prohibited noxious weed seed listed in OAR 603-056-0205(1) Prohibited noxious weed seeds, and^{¶¶}~~

~~(b) No more viable restricted noxious weed seed than the maximum allowable number of seeds per pound specified by species in OAR 603-056-0205(2) Restricted noxious weed seeds.~~

Statutory/Other Authority: ~~ORS 633.006-089, 633.992, 561.605, 561.620~~63.067

Statutes/Other Implemented: ORS 633.006-089, 633.992, 561.605, 561.620

AMEND: 603-058-0210

RULE SUMMARY: Update references to federal regulations.

CHANGES TO RULE:

603-058-0210

Good Manufacturing Practices (GMPs) ¶¶

For the purpose of enforcing ORS 633.045 (6) the Department adopts the following good manufacturing practices:¶¶

(1) The regulations prescribing good manufacturing practices for type B and Type C medicated feeds as published in the Code of Federal Regulations, Title 21, Part 225, Section 225.1-225.202 effective as of the date these rules are promulgated.¶¶

(2) The regulations prescribing good manufacturing practices for Type A Medicated Articles as published in the Code of Federal Regulations, Title 21, Part 226, Sections 226.1-226.115 effective as of the date these rules are promulgated.

Statutory/Other Authority: ~~ORS 633.006-089, 633.992, 561.605, 561.620~~ 63.067

Statutes/Other Implemented: ORS 633.006-089, 633.992, 561.605, 561.620

AMEND: 603-058-0220

RULE SUMMARY: Update references to federal regulations.

CHANGES TO RULE:

603-058-0220

Certain Mammalian Proteins are Prohibited in Ruminant Feed ¶

Pursuant to ORS 633.045(1) ~~deleterious substances~~, the Department adopts the requirements of ¶ Title 21, Code of Federal Regulations parts 589.2000 and 589.2001 effective as of the date these rules are promulgated.

Statutory/Other Authority: ORS ~~633.006-089, 633.992, 561.605, 561.620~~ 63.067

Statutes/Other Implemented: ORS 633.006-.089, 633.992, 561.605, 561.620