

LAC Title 7
AGRICULTURE AND ANIMALS

Part XVII. Feed

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Title 7
AGRICULTURE AND ANIMALS

Part XVII. Feed

Chapter 1. Commercial Feeds

Subchapter A. Official Feed

§101. Definitions and Terms

A. The names and definitions for commercial feeds shall be the Official Definition of Feed Ingredients adopted by the Association of American Feed Control Officials (AAFCO), except as the commission designates otherwise in specific cases.

B. The terms used in reference to commercial feeds shall be the official feed terms adopted by the AAFCO, except as the commission designates otherwise in specific cases.

C. The following commodities are hereby declared exempt from the definition of commercial feed, under the provisions of R.S. 3:1391(3): raw meat, and 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 R.S. 3:1396.

D. Individual chemical compounds and substances are hereby declared exempt from the definition of commercial feed under the provisions of R.S. 3:1391(3). 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.

E. Exempted under §101.D is loose salt.

F. Definitions

Animal Waste Products—processed animal excreta which have been made safe to use as a feed ingredient. For those products the commission adopts the quality standards and definitions listed under Section 74 (Recycled Animal Waste Products) of the AAFCO official publication.

Brand Name or *Brand*—any word, name, symbol or device, or any combination thereof, identifying the commercial feed of a registrant and distinguishing it from that of others.

By-Products—secondary products produced in addition to the principal product except ingredients which are a primary source of protein.

Commercial Feed—all materials including vitamin and mineral mixes, except whole seeds unmixed or physically altered entire unmixed seeds, which are distributed for use as pet food or as feed for livestock or for mixing in pet food or in feed for livestock.

Commission—the Louisiana Feed, Fertilizer, and Agricultural Liming Commission.

Commissioner—the commissioner of agriculture and forestry or his duly authorized representatives acting at his direction.

Crude Fat—the percent ether extract (or other appropriate fat solvent extract) determined by the appropriate official method outlined in *AOAC Official Methods of Analysis*.

Crude Fiber—the portion of a feed or ration which is determined by using the appropriate official method as outlined in the *AOAC Official Methods of Analysis*.

Crude Protein—the percent nitrogen times 6.25 where the percent nitrogen is determined by the appropriate official method outlined in *AOAC Official Methods of Analysis*.

Customer Formula Feed—commercial feed which consists of a mixture of commercial feeds or feed ingredients, each batch of which is manufactured according to the specific instructions of the final purchaser.

Distribute—to sell, offer for sale or expose for sale or trading.

Distributor—a person who distributes.

Guaranteed Feeding Units—the minimum crude protein, minimum crude fat, maximum crude fiber and minimum or maximum minerals expressed as percentages and indicated on the label as being contained in the commercial feed.

Ingredient or *Ingredients*—any of the constituent materials making up a commercial feed.

Invert Sugar—a mixture of glucose and fructose resulting from the hydrolysis of sucrose. The value of invert sugars are determined by official methods outlined in *AOAC Official Methods of Analysis*. The method varies with the type of material being analyzed.

Label—a display of written, printed or graphic matter upon or affixed to the container in which a commercial feed is distributed or on the invoice or delivery slip with which a commercial feed is distributed.

Labeling—all labels and other written, printed or graphic matter (1) upon a commercial feed or any of its containers or wrapper or (2) accompanying such commercial feed.

Livestock—cattle, buffalo, bison, oxen, and other bovine; horses, mules, donkeys, and other equine; sheep; goats; swine; domestic rabbits; fish, turtles, and other animals identified with aquaculture that are located in artificial reservoirs or enclosures that are both on privately owned property and constructed so as to prevent, at all times, the ingress and egress of fish life from public waters; imported exotic deer and antelope, elk, farm-raised white-tailed deer, farm-raised ratites, and other farm-raised exotic animals; chickens, turkeys, and other poultry; and animals placed under the jurisdiction of the commissioner of agriculture and forestry and any hybrid, mixture, or mutation of any such animal.

Manufacture—to grind, mix, blend or further process a commercial feed for distribution.

Manufacturer—a person who manufactures a commercial feed or a customer-formula feed.

Medication—any drug, antibiotic or other substance intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in animals other than feed ingredients intended to affect the structure or any function of the animal body.

Minerals—naturally occurring, homogeneous, inorganic chemical elements having definite chemical and physical characteristics. These elements are essential for proper growth, development, milk production and maintenance of body tissue.

Official Sample—a sample of feed taken by the commissioner or his agent in accordance with provisions of R.S. 3:1398.

Package—a parcel, bag or other container.

Percent or *Percentages*—percentages by weights.

Person—includes individual, partnership, corporation and association, or other legal entity.

Pet—any domesticated animal normally maintained in or near the household of the owner thereof.

Pet Food—any commercial feed prepared and distributed for consumption by pets.

Premises—any place such as, but not exclusively, warehouses, factories, stores, trucks, railroad cars, boats, etc.

Products Sold Primarily for Sugar Content—include beet molasses, citrus molasses, hemicellulose extract, starch molasses, cane molasses and beet molasses, dried product. Each of these ingredients are defined in the *Official Publication of the Association of American Feed Control Officials*.

Protein from Nonprotein Nitrogen (NPN)—the percent nitrogen times 6.25 where the nitrogen is determined by the appropriate official method as outlined in the *AOAC Official Methods of Analysis (1984)* Sections 7.010-7.059. The nitrogen from NPN is derived from chemical compounds other than proteins.

Registrant—the person registering a feed with the commission.

Rule, Rules, Regulation, Regulations or *Rules and Regulations*—those of the commission adopted initially and from time to time to achieve the intent and purposes of R.S. 3:1391 et seq. or to facilitate its administration.

State Chemist—the director of the Louisiana Agricultural Experiment Station of the Louisiana State University Agricultural Center, or his designee.

Sugars—any of the class of water-soluble crystalline carbohydrates including sucrose and lactose having a characteristically sweet taste.

Ton—a net weight of 2,000 pounds avoirdupois.

Value of the Protein Deficiency—the value of the crude protein as set by the state chemist times the difference between the guaranteed protein analysis and the actual protein analysis of the feed sample.

Vitamins—organic compounds that function as parts of enzyme systems essential for the transmission of energy and the regulation of metabolisms of the body.

Whole Seeds—seeds of a single type, completely intact, and which have not been mechanically or chemically altered or processed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1391 and R.S. 3:1392.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:219 (March 1985), amended by the Department of Agriculture and Forestry, Feed, Fertilizer, and Agricultural Liming Commission, LR 38:2524 (October 2012).

§103. 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 general format:

1. net weight;
2. product name and brand name if any;
3. if a drug is used:
 - a. 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;
 - b. the purpose of medication (claim statement);
 - c. an active drug ingredient statement listing the active drug ingredients by their established name and the amounts in accordance with §107.D;
 - d. the required directions for use and precautionary statements or reference to their location if the detailed feeding directions and precautionary statements required by §§111 and 113 appear elsewhere on the label;
4. the guaranteed analysis of the feed as required under the provisions of R.S. 3:1394(A)(3) include the following items, unless exempted in §103.A.4.h, and in the order listed:
 - a. minimum percentage of crude protein;
 - b. maximum or minimum percentage of equivalent protein from nonprotein nitrogen as required in §107.E;
 - c. minimum percentage of crude fat;
 - d. maximum percentage of crude fiber;
 - e. minerals, to include, in the following order:
 - i. minimum and maximum percentages of calcium (Ca);
 - ii. minimum percentage of phosphorus (P);
 - iii. minimum and maximum percentages of salt (NaCl); and
 - iv. other minerals;
 - f. vitamins in such terms as specified in §107.C;
 - g. total sugars as invert on dried molasses products or products being sold primarily for their sugar content;
 - h. exemptions:
 - i. guarantees for minerals are not required when there are no specific label claims and when the commercial feed contains less than 6 1/2 percent of the total of calcium, phosphorus, sodium and chloride. Except that all commercial feeds for dairy use sold in bulk shall be accompanied by a label stating the content of these minerals;
 - ii. guarantees for vitamins are not required when the commercial feed is neither formulated for nor represented in any manner as a vitamin supplement;
 - iii. 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;
5. feed ingredients, collective terms for the grouping of feed ingredients, as provided under the provisions of R.S. 3:1394(A)(6):
 - a. the name of each ingredient as defined in the *Official Publication of the Association of American Feed Control Officials*, common or usual name, or one approved by the commission;

b. collective terms for the grouping of feed ingredients as defined in the official definitions of feed ingredients published in the *Official Publication of the Association of American Feed Control Officials* in lieu of the individual ingredients; provided that:

i. 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;

ii. 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. 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 and zip code;

7. the information required in R.S. 3:1394(A)(1) through R.S. 3:1394 (A)(7) must appear in its entirety on one side of the label or on one side of the container. The information required by R.S. 3:1394 (A)(8) and R.S. 3:1394 (A)(9) 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 R.S. 3:1394 (A)(8) and R.S. 3: 1394 (A)(9) 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 R.S. 3:1394 shall be subordinated or obscured by other statements or designs.

8. If the feed contains protein derived from mammalian tissues, a statement that the feed shall not be fed to ruminants.

B. 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 weight of each registered commercial feed and each other ingredient used in the mixture;

6. the direction for use and precautionary statements as required by §§111 and 113;

7. if a drug containing product is used:

a. the purpose of the medication (claim 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 §107.D.

8. If the feed contains protein derived from mammalian tissues, a statement that the feed shall not be fed to ruminants.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1394, R.S. 3:1393 and R.S. 3:1392.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:220 (March 1985), amended LR 11:943 (October 1985), amended by the Department of Agriculture and Forestry, Feed, Fertilizer, and Agricultural Liming Commission, LR 38:2524 (October 2012).

§105. Brand and Product Names

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 mixture labeled *dairy feed*, for example, 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 a 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 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.

D. The word *protein* shall not be permitted in the product name of a feed that contains added nonprotein 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, 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.

F. Single ingredient feeds shall have a product name in accordance with the designated definition of feed ingredients as recognized by the Association of American Feed Control Officials unless the commission designates otherwise.

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 §107.C.

H. 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.

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 by-products are made from cattle, swine, sheep and goats.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392, 1393, and 1394.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:221 (March 1985).

§107. Expression of Guarantees

A. The guarantees for crude protein, equivalent protein from nonprotein nitrogen, crude fat, crude fiber and mineral guarantees (when required) will be in terms of percentage.

B. Commercial feeds containing 6 1/2 percent or more calcium, phosphorus, sodium and chloride shall include in the guaranteed analysis the minimum and maximum percentages of calcium (Ca), the minimum percentage of phosphorus (P) and if salt is added, the minimum and maximum percentage of salt (NaCl). Except that all dairy rations sold in bulk shall be accompanied by a label stating the content of these minerals. Minerals, except salt (NaCl), shall be guaranteed in terms of percentage of the element. When calcium and/or salt guarantees are given in the guaranteed analysis such shall be stated and conform to the following.

1. When the minimum is 5 percent or less, the maximum shall not exceed the minimum by more than 1 percentage point.

2. When the minimum is above 5 percent, the maximum shall not exceed the minimum by more than 20 percent and in no case shall the maximum exceed the minimum by more than 5 percentage points.

C. Guarantees for minimum vitamin content of commercial feeds and feed supplements, when made, shall be stated on the label in milligrams per pound of feed except that:

1. vitamin A, other than precursors of Vitamin A, shall be stated in International or USP Units per pound;
2. vitamin D, in products offered for poultry feeding, shall be stated in International Chick Units per pound;
3. vitamin D for other uses shall be stated in International or USP Units per pound;
4. vitamin E shall be stated in International or USP Units per pound;

5. guarantees for vitamin content on the label of a commercial feed shall state the guarantee as true vitamins, not compounds, with the exception of the compounds, Pyridoxine Hydrochloride, Choline Chloride, Thiamine Hydrochloride and Mononitrate and d-Pantothenic Acid;

6. oils and premixes containing vitamin A or vitamin D or both may be labeled to show vitamin content in terms of units per gram.

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 Regulations 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 nonprotein nitrogen shall be labeled as follows.

1. For Ruminants

a. Complete feeds, supplements and concentrates containing added nonprotein nitrogen and containing more than 5 percent protein from natural sources shall be guaranteed as follows: Crude Protein, minimum, _____ percent. (This includes, not more than percent equivalent protein from nonprotein nitrogen.)

b. Mixed feed concentrates and supplements containing less than 5 percent protein from natural sources may be guaranteed as follows: Equivalent Crude Protein from Nonprotein Nitrogen, minimum, ____ percent.

c. Ingredient sources of nonprotein nitrogen such as urea, di-ammonium phosphate, ammonium polyphosphate solution, ammoniated rice hulls or other basic nonprotein nitrogen ingredients defined by the Association of American Feed Control Officials shall be guaranteed as follows: Nitrogen, minimum _____ percent: Equivalent Crude Protein from Nonprotein Nitrogen, minimum, percent.

2. For Non-Ruminants

a. Complete feeds, supplements and concentrates containing crude protein from all forms of nonprotein nitrogen, added as such, shall be labeled as follows: Crude Protein, minimum _____ percent. (This includes not more _____ than percent 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 percent equivalent crude protein from all forms of nonprotein 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.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392, 1393, and 1394.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:222 (March 1985).

§109. 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 American Feed Control Officials*, the common or usual name, or one approved by the commission.

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 Association of American Feed Control Officials 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 percent iodine, uniformly distributed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392, 1393, and 1394.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:222 (March 1985).

§111. 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 regulations under the Federal Food, Drug and Cosmetic Act.

B. Adequate directions for use and precautionary statements are required for feeds containing nonprotein nitrogen as specified in §113.

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.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392, 1393, and 1394.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:223 (March 1985).

§113. Nonprotein Nitrogen

A. Urea and other nonprotein nitrogen products defined in the *Official Publication of the Association of American Feed Control Officials* 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 percent of equivalent crude protein from all forms of nonprotein nitrogen, added as such, or the equivalent crude protein from all forms of nonprotein 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, and so placed on the label that they will be read and understood by ordinary persons under customary conditions of purchase and use.

B. Nonprotein nitrogen defined in the *Official Publication of the Association of American Feed Control Officials*, 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 nonprotein nitrogen sources when used in non-ruminant rations shall not exceed 1.25 percent 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 nonprotein 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 nonprotein nitrogen.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392, 1393, and 1394..

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:223 (March 1985).

§115. Drug and Feed Additives

A. 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 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 Regulations*, 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 R.S. 3:1391(3) 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 Title 21 U.S.C. 360(b).

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1394 and R.S. 3:1392.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:223 (March 1985), amended by the Department of Agriculture and Forestry, Feed, Fertilizer, and Agricultural Liming Commission, LR 38:2524 (October 2012).

§117. Adulterants

A. For the purpose of R.S. 3:1396(1), 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 percent for breeding and dairy cattle; 0.30 percent for slaughter cattle; 0.30 percent for sheep; 0.35 percent for lambs; 0.45 percent for swine and 0.60 percent 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 percent for breeding and dairy cattle; 0.009 percent for slaughter cattle; 0.006 percent for sheep; 0.01 percent for lambs; 0.015 percent for swine and 0.03 percent 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 trichlorethylene 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 B1 (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 or otherwise treated to destroy the viability of such weed seeds so that the finished product contains no more than four viable prohibited weed seeds per pound and not more than 200 viable restricted weed seeds per pound.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392 and R.S. 3:1396.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:223 (March 1985), amended by the Department of Agriculture and Forestry, Feed, Fertilizer, and Agricultural Liming Commission, LR 38:2525 (October 2012).

§119. Good Manufacturing Practices

A. For the purposes of enforcement of R.S. 3:1396 (8), the commission adopts the following as current good manufacturing practices:

1. the regulations prescribing good manufacturing practices for medicated feeds as published in the *Code of Federal Regulations*, Title 21, Part 225, Sections 225.1-225.115;

2. the regulations prescribing good manufacturing practices for medicated premixes as published in the *Code of Federal Regulations*, Title 21, Part 226, Sections 226.1-226.115.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392 and R.S. 3:1396.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:223 (March 1985), amended by the Department of Agriculture and Forestry, Feed, Fertilizer, and Agricultural Liming Commission, LR 38:2525 (October 2012).

§121. Fees

A. Each application for registration with the commission shall be accompanied by a registration fee of \$40.

B. Each registrant filing a label with the commission shall pay to the commission a labeling fee of \$10 per label for one to 50 products, \$8 per label for 51 to 200 products, \$6 per label for 201 or more products.

C. Registration shall expire on the last day of June of each year. An additional \$50 late fee will be charged for renewal registrations filed after the last day of June. A late fee will not be charged on initial registrations or registrations of new products filed after the last day of June.

D. If a registrant had no sales in a given quarter, he must still file a tonnage report and pay a minimum tonnage fee of \$10 for that quarter. A registrant shall keep all records necessary to accurately indicate the tonnage and kind of commercial feed sold and shall permit the commissioner or his authorized representative to examine these records and to verify the statement of tonnage. Tonnage reports shall be made on forms supplied by the commissioner and suitable for providing the necessary tonnage and statistical information. The tonnage reports and inspection fees shall be due and payable on the first day of October, the first day of January, the first day of April and the first day of July. If the report is not filed and payment made within 30 days after the date due, a penalty of 25 percent of the amount due shall be assessed against the registrant. If payment is not made within 30 days after the due date, the amount of fees due, plus the penalty, shall constitute a debt and become the basis of a judgment against the registrant. All information as to the amount of feed sold and business practices of the registrant obtained from tonnage reports or from inspection of records and books shall remain confidential and shall not be revealed by the commissioner or his employees to the public or to any other person.

E. The inspection fee shall be collected only once on each lot of ingredients. To achieve this end, the following provisions shall apply.

1. No fee shall be paid on a commercial feed if a previous manufacturer has paid the fee.

2. No fee shall be paid on customer-formula feeds if the inspection fee has been paid on the commercial feeds, which are used as ingredients therein.

3. No fee shall be paid on commercial feeds, which are used as ingredients for the manufacture of registered commercial feeds. If the fee has already been paid, credit shall be given for that payment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1401 and 3:1392.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:223 (March 1985), amended LR 11:944 (October 1985), amended by the Department of Agriculture and Forestry, Office of the Commissioner, Feed Commission, LR 30:198 (February 2004).

§123. Protein Value

A. For the purpose of assessing penalties for protein deficiencies in feeds, as provided for in R.S. 3:1400(A)(1), the value of crude protein will be updated each quarter.

B. The value of crude protein will be calculated as follows.

1. The quarterly average price of four protein supplements shall be used. These are 44 percent soybean meal, 41 percent cottonseed meal, 50 percent meat and bone meal and 60 percent corn gluten meal. This average price will be determined using Memphis market quotations as published in Feedstuffs (Miller Publishing Company). The first week of each month of the preceding quarter will be used for calculation purposes. If there is no quotation for the Memphis market on an ingredient, the Kansas City price or a local source market shall be used. If a quotation is not available the first week, the quotation in a subsequent week shall be used.

C. Penalties shall be assessed as provided for in R.S. 3:1400. If an official sample shows that feed ingredients bought by a feed manufacturer is deficient, any penalties from this deficiency shall be paid by the supplier of the ingredients to the manufacturer that bought the ingredients.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1391 and R.S. 3:1392.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:224 (March 1985), amended LR 11:944 (October 1985), amended by the Department of Agriculture and Forestry, Feed, Fertilizer, and Agricultural Liming Commission, LR 38:2525 (October 2012).

Subchapter B. Official Pet Food

§125. Definitions and Terms

Immediate Container—the unit, can, box, tin, bag or other receptacle or covering in which a pet food is displayed for sale to retail purchasers, but does not include containers used as shipping containers.

Ingredient Statements—a collective and contiguous listing on the label of the ingredients of which the pet food is composed.

Principal Display Panel—the part of a label that is most likely to be displayed, presented, shown or examined under normal and customary conditions of display for retail sale.

NOTE: The commission adopts all definitions of R.S. 3:1391 and those that appear in §101.F of the official feed rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:224 (March 1985).

§127. Label Format and Labeling

A. The statement of net content and product name must be shown on the principal display panel. All other required information may be placed elsewhere on the label but shall be sufficiently conspicuous as to render it easily read by the average purchaser under ordinary conditions of purchase and sale.

B. The declaration of the net content shall be made in conformity with the United States *Fair Packaging and Labeling Act* and the regulations promulgated thereunder.

C. The information which is required to appear in the *Guaranteed Analysis* shall be listed in the following order:

1. crude protein (minimum amount);
2. crude fat (minimum amount);
3. crude fiber (maximum amount);
4. moisture (maximum amount);
5. additional guarantees shall follow moisture.

D. The label of a pet food shall specify the name and address of the manufacturer, packer or distributor of the pet food. The statement of the place of business should include the street address, if any, of such place.

E. If a person manufactures, packages or distributes a pet food in a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where each package of such pet food was manufactured or packaged or is to be distributed, if such statement is not misleading in any particular.

F. A vignette, graphic or pictorial representation of a product on a pet food label shall not misrepresent the contents of the package.

G. The use of the word *proven* in connection with label claims for a pet food is improper unless scientific or other empirical evidence establishing the claim represented as *proven* is available.

H. No statement shall appear upon the label of a pet food which makes false or misleading comparisons between that pet food and any other pet food.

I. Personal or commercial endorsements are permitted on pet food labels where said endorsements are factual and not otherwise misleading.

J. When a pet food is enclosed in any outer container or wrapper which is intended for retail sale, all required label information must appear on such outside container or wrapper.

K. The words *dog food*, *cat food* or similar designations must appear conspicuously upon the principal display panels of the pet food labels.

L. The label of a pet food shall not contain an unqualified representation or claim, directly or indirectly, that the pet food therein contained or a recommended feeding thereof, is or meets the requisites of a complete, perfect, scientific or balanced ration for dogs or cats unless such product or feeding:

1. contains ingredients in quantities sufficient to provide the estimated nutrient requirements for all stages of the life of a dog or cat, as the case may be, which have been established by a recognized authority on animal nutrition, such as the Committee on Animal Nutrition of the National Research Council of the National Academy of Sciences (to the extent that the product's ingredients provide nutrients in amounts which substantially deviate from those nutrient requirements estimated by such a recognized authority on animal nutrition, or in the event that no estimation has been made by a recognized authority on animal nutrition of the requirements of

animals for one or more stages of said animals' lives, the product's represented capabilities in this regard must have been demonstrated by adequate testing); or

2. contains a combination of ingredients which when fed to a normal animal as the only source of nourishment will provide satisfactorily for fertility of females, gestation and lactation, normal growth from weaning to maturity without supplementary feeding, will maintain the normal weight of an adult animal whether working or at rest and has had its capabilities in this regard demonstrated by adequate testing.

M. Labels for products which are compounded for or which are suitable for only a limited purpose (i. e., a product designed for the feeding of puppies) may contain representations that said pet food product or recommended feeding thereof, is or meets the requisites of a complete, perfect, scientific or balanced ration for dogs or cats only:

1. in conjunction with a statement of a limited purpose for which the product is intended or suitable (as, for example, in the statement a *complete food for puppies*). Such representations and such required qualification therefor shall be juxtaposed on the same panel and in the same size, style and color print; and

2. such qualified representations may appear on pet food labels only if:

a. the pet food contains ingredients in quantities sufficient to satisfy the estimated nutrient requirements established by a recognized authority on animal nutrition, such as the Committee on Animal Nutrition of the National Research Council of the National Academy of Sciences for such limited or qualified purpose; or

b. the pet food product contains a combination of ingredients which when fed for such limited purpose will satisfy the nutrient requirements for such limited purpose and has had its capabilities in this regard demonstrated by adequate testing.

N. Except as specified by §129.A, the name of any ingredient which appears on the label other than in the product name shall not be given undue emphasis so as to create the impression that such an ingredient is present in the product in a larger amount than is the fact, and if the names of more than one such ingredient are shown, they shall appear in the order of their respective predominance by weight in the product.

O. The label of a dog or cat food (other than one prominently identified as a snack or treat as part of the designation required upon the principal display panel under §127.K) shall bear, on either the principal display panel or the information panel (as those terms are defined in 21 C.F.R. 501.1 and 501.2 respectively), in type of a size reasonably related to the largest type on the panel, a statement of the nutritional adequacy or purpose of the product. Such statement shall consist of one of the following:

1. a claim that the pet food meets or exceeds the requirements of one or more of the recognized categories of nutritional adequacy, gestation, lactation, growth, maintenance and complete for all life stages, as those categories are set forth in §127.L and M;

2. a nutrition or dietary claim for purposes other than those listed in §127.L and M if the claim is scientifically substantiated;

3. the statement: *Use only as directed by your veterinarian*, if it is a dietary animal food product intended for use by, or under the supervision or direction of, a veterinarian;

4. the statement: *This product is intended for intermittent or supplemental feeding only*, if a product does not meet either the requirements of §127.L and M or any other special nutritional or dietary need and so is suitable only for limited or intermittent or supplementary feeding.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392, 1393, and 1394.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:224 (March 1985).

§129. Brand and Product Names

A. No flavor designation shall be used on a pet food label unless the designated flavor is detectable by a recognized test method or is one the presence of which provides a characteristic distinguishable by the pet. Any flavor designation on a pet food label must either conform to the name of its source as shown in the ingredient statement or the ingredient statement shall show the source of the flavor. The word flavor shall be printed in the same size type and with an equal degree of conspicuousness as the ingredient term(s) from which the flavor designation is derived.

1. Distributors of pet food employing such flavor designation or claims on the labels of the product distributed by them shall, upon request, supply verification of the designated or claimed flavor to the appropriate control official.

B. The designation *100 percent* or *all* or words of similar connotation shall not be used in the brand or product name of a pet food if it contains more than one ingredient. However, for the purpose of this provision, water sufficient for processing, required decharacterizing agents and trace amounts of preservatives and condiments shall not be considered ingredients.

C. The term *meat* and *meat by-products* shall be qualified to designate the animal from which the meat and meat by-products are derived unless the meat and meat by-products are from cattle, swine, sheep and goats. For example, *horse-meat* and *horse-meat by-products*.

D. The name of the pet food shall not be derived from one or more ingredients of a mixture of a pet food product unless all components or ingredients are included in the name except as specified by §129.A, E, or F; provided that the name of an ingredient or combination of ingredients may be used as a part of the product name if:

1. the ingredient or combination of ingredients is present in sufficient quantity to impart a distinctive characteristic to the product or is present in amounts which have a material bearing upon the price of the product or upon acceptance of the product by the purchaser thereof; or

2. it does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients; or

3. it is not otherwise false or misleading.

E. When an ingredient or a combination of ingredients derived from animals, poultry or fish constitutes 95 percent or more of the total weight of all ingredients of a pet food mixture, the name or names of such ingredient(s) may form a part of the product name of the pet food; provided that where more than one ingredient is part of such product name, then all such ingredient names shall be in the same size, style and color print. For the purpose of this provision, water sufficient for processing shall be excluded when calculating the percentage of the named ingredient(s). However, such named ingredient(s) shall constitute at least 70 percent of the total product.

F. When an ingredient or a combination of ingredients derived from animals, poultry or fish constitutes at least 25 percent but less than 95 percent of the total weight of all ingredients of a pet food mixture, the name or names of such ingredient or ingredients may form a part of the product name of the pet food only if the product name also includes a primary descriptive term such as *meatballs* or *fish cakes* so that the product name describes the contents of the product in accordance with an established law, custom or usage or so that the product name is not misleading. All such ingredient names and the primary descriptive term shall be in the same size, style and color print. For the purpose of this provision, water sufficient for processing shall be excluded when calculating the percentage of the named ingredient(s). However, such named ingredient(s) shall constitute at least 10 percent of the total product.

G. Contractions or coined names referring to ingredients shall not be used in the brand name of a pet food unless it is in compliance with §129.A, D, E, or F.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392, 1393, and 1394.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:225 (March 1985).

§131. Expression of Guarantees

A. The sliding scale method of expressing a guaranteed analysis (for example, *protein 15-18 percent*) is prohibited.

B. Pursuant to R.S. 3:1394(A)(3), the label of a pet food which is formulated as and represented to be a mineral additive supplement, shall include in the guaranteed analysis the maximum and minimum percentages of calcium, the minimum percentage of phosphorus and the maximum and minimum percentages of salt. The minimum content of all other essential nutrient elements recognized by NRC from sources declared in the ingredient statement shall be expressed as the element and in units of measurement established by a recognized authority of animal nutrition, such as the National Research Council.

C. Pursuant to R.S. 3:1394 (A)(3), the label of pet food which is formulated as and represented to be a vitamin supplement, shall include a guarantee of the minimum content of each vitamin declared in the ingredient statement. Such guarantees shall be stated in units of measurements established by a recognized authority on animal nutrition such as the National Research Council.

D. The vitamin potency of pet food products distributed in containers smaller than one pound may be guaranteed in approved units per ounce.

E. If the label of a pet food does not represent the pet food to be either a vitamin or a mineral supplement, but does include a table of comparison of a typical analysis of the vitamin, mineral or nutrient content of the pet food with levels recommended by recognized animal nutrition authority, such comparison may be stated in the units of measurement used by the recognized authority on animal nutrition such as the National Research Council. The statement in a table of comparison of the vitamin, mineral or nutrient content shall constitute a guarantee, but need not be repeated in the guaranteed analysis. Such table of comparison may appear on the label separate and apart from the guaranteed analysis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392, R.S. 3:1393 and R.S. 3:1394.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:226 (March 1985), amended by the Department of Agriculture and Forestry, Feed, Fertilizer, and Agricultural Liming Commission, LR 38:2525 (October 2012).

§133. Ingredients

A. The maximum moisture in all pet foods shall be guaranteed and shall not exceed 78 percent or the natural moisture content of the constituent ingredients of the product, whichever is greater. Pet foods such as those consisting principally of stew, gravy, sauce, broth, juice or a milk replacer which are so labeled, may contain moisture in excess of 78 percent.

B. Each ingredient of the pet food shall be listed in the ingredient statement, and names of all ingredients in the ingredient statement must be shown in letters or type of the same size. The failure to list the ingredients of a pet food in descending order by their predominance by weight in nonquantitative terms may be misleading. Any ingredient for which the Association of American Feed Control Officials has established a name and definition shall be identified by the name so established. Any ingredient for which no

name and definition has been so established shall be identified by the common or usual name of the ingredient. Brand or trade names shall not be used in the ingredient statement.

C. The term *dehydrated* may precede the name of any ingredient in the ingredient list that has been artificially dried.

D. No reference to quality or grade of an ingredient shall appear in the ingredient statement of a pet food.

E. A reference to the quality, nature, form or other attribute of an ingredient shall not be made unless such designation is accurate and unless the ingredient imparts a distinctive characteristic to the pet food because it possesses that attribute.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392, 1393, and 1394.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:226 (March 1985).

§135. Drugs and Pet Food Additives

A. An artificial color may be used in a pet food only if it has been shown to be harmless to pets. The permanent or provisional listing of an artificial color in the United States Food and Drug Regulations as safe for use, together with the conditions, limitations and tolerance, if any, incorporated therein, shall be deemed to be satisfactory evidence that the color is, when used pursuant to such regulations, harmless to pets.

B. Prior to approval of a registration application and/or approval of a label for pet food, 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 pet food, when used according to directions furnished on the label. Satisfactory evidence of the safety and efficacy of a pet food may be:

1. when the pet food contains such additives, the use of which conforms to the requirements of the applicable regulation in the *Code of Federal Regulations*, Title 21, or which are *prior sanctioned* or *generally recognized as safe* for such use; or

2. when the pet food itself is a drug as defined in R.S. 3:1391(3) and is generally recognized as safe and effective for label use or is marketed subject to an application approved by the Food and Drug Administration under Title 21, U.S.C. 360(b).

C. The medicated labeling format recommended by Association of American Feed Control Officials shall be used to assure that adequate labeling is provided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392 and R.S. 3:1394.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:226 (March 1985), amended by the Department of Agriculture and Forestry, Feed, Fertilizer, and Agricultural Liming Commission, LR 38:2525 (October 2012).

§137. Fees

A. Fees for pet foods shall be the same as for other animal feeds as set forth in R.S. 3:1401 and §121 of the official feed rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392 and R.S. 3:1401.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:226 (March 1985), amended by the Department of Agriculture and Forestry, Feed, Fertilizer, and Agricultural Liming Commission, LR 38:2525 (October 2012).

§139. Penalties

A. Penalties for pet food will be the same as penalties for other animal feeds as set forth in R.S. 3:1400 and §123 of the official feed rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392 and R.S. 3:1400.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:226 (March 1985), amended by the Department of Agriculture and Forestry, Feed, Fertilizer, and Agricultural Liming Commission, LR 38:2525 (October 2012).

Subchapter C. Processed Animal Waste Products as Animal Feed Ingredients

§141. Definitions and Quality Standards

A. The commission adopts the definitions of R.S. 3:1381 and 1391 and those that appear in §101.F of the official feed rules and regulations.

B. The commission adopts the definitions and quality standards for recycled animal waste products as printed in Section 74 of the *Official Publication of the Association of American Feed Control Officials*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:226 (March 1985), amended by the Department of Agriculture and Forestry, Feed, Fertilizer, and Agricultural Liming Commission, LR 38:2525 (October 2012).

§143. Registration Required

A. No person shall sell, offer or expose for sale or distribute, in this state, any processed animal waste product intended, promoted, represented, advertised or distributed for use as a commercial feed unless he has registered with the commissioner, as specified in R.S. 3:1393.

B. Application for registration shall be made to the commission on forms provided by the commissioner and shall be accompanied by payment of the registration fees as set forth in §121 of the official feed rules and regulations adopted by the commission.

C. Applications for registration shall be accompanied by the following:

1. a copy of the label or tag which the applicant proposes to use for the processed animal waste product;
2. a detailed description of the facilities, equipment and method of manufacture to be used in processing, manufacturing and testing of the processed animal waste product;
3. a sampling schedule, a full description of all tests made and the results, thereby purporting to show the processed animal waste product meets the standards of the Louisiana Department of Agriculture and Forestry and the Office of the Louisiana State Livestock Sanitary Board and these rules and regulations for registration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392 and R.S. 3:1393.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:226 (March 1985), amended by the Department of Agriculture and Forestry, Feed, Fertilizer, and Agricultural Liming Commission, LR 38:2525 (October 2012).

§145. Registration Refused or Canceled

A. General registration of a processed animal waste product shall be refused if:

1. applicant or the processed animal waste product is determined to be in violation of any state or federal statute or state agency rule or regulation affecting or relating to the sale of commercial feeds;
2. the processed animal waste product contains any pathogenic organisms, drug residues, pesticide residues, harmful parasites or other toxic or deleterious substance above levels permitted by state regulations, Federal Food, Drug and Cosmetic Act, Section 406, 408, 409 and 706, or which could be harmful to animals, or which could result in residue in the tissue or by-products of animals above levels determined to be harmful;
3. the processed animal waste product does not meet the quality standards set forth in §143 of these regulations and in R.S. 3:1396;
4. the processed waste product is not labeled in compliance with law and agency rules and regulations, including §147 of these rules;
5. applicant or registrant fails to perform the testing as specified in §149 of these rules, or to accurately maintain and display to the commissioner or his designee, upon demand, the records required.

B. Registration may be refused pursuant to and in compliance with any statutory provisions authorizing the commissioner to refuse registration.

C. Registration may be canceled by the commission if the product or registrant is found to be in violation of any statutory provisions or provisions of these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392 and R.S. 3:1393.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:227 (March 1985), amended LR 11:944 (October 1985), amended by the Department of Agriculture and Forestry, Feed, Fertilizer, and Agricultural Liming Commission, LR 38:2526 (October 2012).

§147. Labeling Requirements

A. The label, tag or label invoice accompanying shipments of animal waste products shall contain all information as required by the official feed rules and regulations.

B. In addition, it shall include the following information, in the list of guarantees, in the following order, in percentages:

1. maximum moisture, following fiber guarantee;
2. maximum ash, following moisture guarantees.

C. Special labeling or warnings required, as appropriate:

1. if the product contains drug residues, then the label shall contain the following statement in boldface type:

WARNING: THIS PRODUCT CONTAINS DRUG RESIDUES. DO NOT USE WITHIN 15 DAYS OF SLAUGHTER AND DO NOT USE 15 DAYS PRIOR TO OR DURING THE FOOD PRODUCTION PERIOD OF DAIRY ANIMALS AND LAYING HENS.

2. if the product contains high levels (25 ppm or greater) of copper, a maximum guarantee of copper and the following statement is required:

WARNING: CONTAINS HIGH LEVELS OF COPPER: DO NOT FEED TO SHEEP.

3. if the product derives one-third or more of the guaranteed total crude protein from nonprotein nitrogen sources, the label shall provide adequate directions for safe use of the product and the precautionary statement:

CAUTION: USE ONLY AS DIRECTED.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392, 1393, and 1394.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:227 (March 1985).

§149. Testing Required

A. The purpose of the sampling and testing requirements of this Section shall be to determine the presence of harmful materials or biological contaminants and to assure compliance with the quality standards in §143 of these regulations and R.S. 3:1396.

B. Any person seeking or receiving registration of any processed animal waste product shall test, by representative sampling and assaying of such samples and keep accurate records thereof, the processed animal waste product for which the registration is sought or received. The sample shall be of sufficient size so as to provide meaningful data, statistically reliable in carrying out the purpose of such sampling and analysis. For example, 10 1-pound samples taken randomly from one day's production run or other identifiable lot, should be packaged in sealed air-tight bags for prompt shipment to the analytical laboratory.

C. The registrant, manufacturer or producer of any such processed animal waste product ingredient shall conform to the following sample and analyses requirements.

1. Analyses specified by the commissioner to meet the requirements of the quality standards of §143 and R.S. 3:1396 and these regulations shall be conducted on three sequential production runs to establish that the feed ingredient is consistently within the limitations specified prior to registration and/or sale of the processed animal waste product. In addition to quality standards, testing on the same production runs or lots should include potential hazardous substances such as the following:

- a. drugs suspected or known to be used in the feed or as a therapeutic treatment of the animals;
- b. pesticides used on the animal, facilities and waste for pest control;
- c. pathogenic organisms at least to include *Salmonella* and *E. Coli*;
- d. heavy metals: arsenic, cadmium, copper, lead, mercury and selenium, at least;
- e. parasitic larva or ova;
- f. mycotoxins, such as aflatoxins.

2. Following the initial sequential testing, periodic analyses shall be conducted on production runs no less than one each calendar quarter. Less frequent testing may be allowed where the analytical results show continued uniformity and a consistent margin of compliance. More frequent tests shall be required where the analytical results show a wide range, or show levels close to the established quality standards. Any processed animal waste product that does not meet quality standards for the product shall be further processed until standards are met, shall be diverted to non-feed uses, or destroyed.

3. Sequential testing shall again be required when the periodic analyses required by §149.C.2 of this Section or other information available to the manufacturer of the ingredient indicates that:

- a. the ingredients are not within the limitations established in these regulations;
- b. changes are made in the manufacturing process;
- c. new or expanded sources of the raw ingredients are used;
- d. changes occur in the drugs or pesticides used by the supplier(s) of the raw ingredient(s).

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392 and R.S. 3:1398.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:227 (March 1985), amended by the Department of Agriculture and Forestry, Feed, Fertilizer, and Agricultural Liming Commission, LR 38:2526 (October 2012).

§151. Records Required

A. Any person seeking or receiving registration of any processed animal waste product shall keep for a period of two years, accurate records of:

1. all sources of raw materials and date acquired, including information on drugs and pesticide usage;
2. all production output, including a code or other method to identify the date of production;
3. all sales and distribution, including the name and address of the purchaser or to whom distributed, date, quantity and production code;
4. sampling and assay records of the testing required by §149 of this regulation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1401 and 139.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:227 (March 1985).

§153. Fees

A. Fees for processed animal waste products shall be the same as for other animal feeds as set forth in R.S. 3:1401 and §121 of the official feed rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392 and R.S. 3:1401.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:227 (March 1985), amended by the Department of Agriculture and Forestry, Feed, Fertilizer, and Agricultural Liming Commission, LR 38:2526 (October 2012).

§155. Penalties

A. Penalties for processed animal waste products will be the same as penalties for other animal feeds as set forth in R.S. 3:1400 and §123 of the official feed rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392 and R.S. 3:1400.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:228 (March 1985), amended by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:2526 (October 2012).

Subchapter D. Probation of Registrants

§157. Probationary Status of Registrants

A. A registrant shall be placed on probation by the commission when 25 percent of the official samples taken from a single registrant during one complete fiscal year are found to be deficient, provided that a minimum of six samples and at least 2 percent of the total tonnage sold for that fiscal year is sampled.

B. Notification shall be given, in writing, to any registrant placed on probation within 30 days of the date on which the commission took action to place the registrant on probation.

C. The commission may assess a civil penalty of not more than \$1,000 for any violation other than those found in R.S. 3:1400(A). Each day on which a violation occurs shall be considered a separate offense.

D. The commission shall not waive any penalty imposed under the provisions of R.S. 3:1391 et seq.

E.1. A registrant who is placed on probation shall be subject to an increase of sampling up to 20 percent of the total tonnage of products offered for sale during the fiscal year of probation, or until probation is terminated by the commission.

2. In order to be removed from probation, a minimum of nine samples and 3 percent of the total tonnage sold must be taken and analyzed during the year of probation. The deficiency rate of samples taken must be less than 20 percent.

F. If a registrant continues to introduce products, of which the official samples' deficiency rate exceeds 20 percent, into the stream of commerce for one year, the registrant shall be summoned before the commission at its next meeting following the end of the year of probationary status to determine whether registration shall be canceled or renewal of registration shall be denied for cause.

G. The registrant shall be notified, in writing, by the commission when probationary status is terminated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392 and R.S. 3:1400.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:228 (March 1985), amended by the Department of Agriculture and Forestry, Feed Commission, LR 14:348 (June 1988), amended by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:2526 (October 2012).

§159. Cancellation of Registration and/or Denial of Application for Renewal of Registration

A. Subject to an adjudicatory hearing, the commission may cancel the registration of any registrant who fails to reduce the overall deficiency of his product to less than 20 percent by the end of the year of probation.

B. Upon proper hearing, the commission may cancel the registration and/or deny the registrant's application for renewal of registration when any registrant fails to comply with the requirements of R.S. 3:1391 et seq., and/or these regulations promulgated under the authority therein, unless the registrant can show just cause.

C. No registration will be canceled nor application for renewal of registration denied until the registrant has been afforded the right to an adjudicatory hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392 and R.S. 3:1400.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:228 (March 1985), amended by the Department of Agriculture and Forestry, Feed, Fertilizer, and Agricultural Liming Commission, LR 38:2526 (October 2012).

§161. Appeals from Action of the Commission; Department of Agriculture and Forestry Appeals Concerning Method of Taking Samples

A. If the registrant, or his agent, objects to the manner in which an agricultural inspector takes a sample, the registrant or his agent shall make his objections known immediately to the inspector.

B. If the registrant, or his agent, and the agricultural inspector who is taking the sample cannot resolve their differences, the registrant shall immediately telephone his complaint to the director of Agricultural Chemistry Programs. The registrant or his agent shall confirm the telephone complaint in writing to the same official.

C. If the difference concerning the manner of taking the sample cannot thus be resolved, the registrant may place his complaint on the agenda at the next meeting of the commission. Routine procedures for submission and analysis of the sample shall be followed pending the resolution of the differences at such hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392 and R.S. 3:1400.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:228 (March 1985), amended by the Department of Agriculture and Forestry, Feed, Fertilizer, and Agricultural Liming Commission, LR 38:2526 (October 2012).

§163. Appeals Concerning Results of Chemical Analysis

A. When a registrant, or his agent, disagrees with a finding of deficiency or a calculation of a penalty resulting from a finding of deficiency, he shall register his complaint, in writing, with the director of Agricultural Chemistry Programs within 10 days of the date of the report of chemical analysis.

B. When questions concerning the accuracy of the analysis made by the director of Agricultural Chemistry Programs cannot be amicably resolved, the registrant may place his complaint on the agenda at the next meeting of the commission for a final determination.

C. When a disagreement on a feed deficiency arises, the sample may be analyzed by an independent laboratory agreeable to the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392 and R.S. 3:1400.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:228 (March 1985), amended by the Department of Agriculture and Forestry, Feed, Fertilizer, and Agricultural Liming Commission, LR 38:2527 (October 2012).

§165. Appeals Concerning Probationary Status

A. Any registrant who is placed on probationary status may appeal his probation at any time by submitting to the commission a written statement on the basis of his appeal and a written request for a hearing on the matter.

B. A request for a hearing on appeal from probationary status shall not be delayed but shall be placed on the agenda for the next meeting of the commission following receipt of the request for a hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392 and R.S. 3:1400.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:228 (March 1985), amended by the Department of Agriculture and Forestry, Feed, Fertilizer, and Agricultural Liming Commission, LR 38:2527 (October 2012).

§167. Public Hearing on Cancellation of Registration/Denial of Application for Renewal of Registration

A. The commission shall not cancel a registrant nor deny a renewal of registration without an adjudicatory hearing.

B. When the commission determines that just cause may exist to cancel or deny renewal or registration, the commission shall give written notice to the registrant of intent to conduct adjudicatory hearing on the matter. The notice shall be given at least 15 days prior to the date on which the hearing shall be held and shall contain all of the facts required under R.S. 49:950 et seq. The notice shall be sent by certified mail, return receipt requested, to the registrant at the last address provided by the registrant.

C. An adjudicatory hearing on the cancellation of a registration and/or denial of renewal of registration shall be conducted in accordance with the requirements of R.S. 49:950 et seq., specifically the rules of evidence set forth in R.S. 49:956. The registrant shall have the right to counsel of his own choosing at any such public hearing.

D. If a controversy still exists at the conclusion of any such adjudicatory hearing called for cancellation of registration and/or denial of renewal of registration, the registrant may appeal the matter in accordance with the Administrative Procedure Act, provided that all such matters shall be lodged in the parish in which the commission is domiciled.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392, R.S. 3:1393 and R.S. 3:1400.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:228 (March 1985), amended by the Department of Agriculture and Forestry, Feed, Fertilizer, and Agricultural Liming Commission, LR 38:2527 (October 2012).

§169. Confidentiality of Records

A. Information concerning the amount of feed sold and the business practices of registrants which is obtained from tonnage reports shall be kept confidential and shall not be revealed to the public or to other registrants by the commission, the commissioner, nor any employee of the Department of Agriculture and Forestry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392 and R.S. 3:1401.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:228 (March 1985), amended by the Department of Agriculture and Forestry, Feed, Fertilizer, and Agricultural Liming Commission, LR 38:2527 (October 2012).