

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #2

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2019 JUL 26 P 3:35

WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Department of Agriculture TITLE NUMBER: 61

RULE TYPE: Legislative CITE AUTHORITY: 19-14-3

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 5

TITLE OF RULE BEING AMENDED: Commercial Feed


IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON August 25 AT 4:00 PM ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

WV Department of Agriculture
Regulatory and Environmental Affairs
Attention: Herma Johnson
1900 Kanawha Blvd., East
Charleston, WV 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL



State of West Virginia

DEPARTMENT OF AGRICULTURE

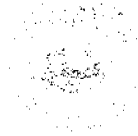
Gus R. Douglass, Commissioner

Janet L. Fisher
Deputy Commissioner

Steve Hannah
Deputy Commissioner

**West Virginia Feed Rule
Title 61 – Series 5
Statement of Circumstances**

This represents a proposal to update the West Virginia Feed Rule to be in line with current industry events. In 1992, the feed rule was last changed. Additionally, an increase of \$10.00 annually is proposed to cover administrative costs for commercial feed, other than pet food, in packages over ten pounds or bulk. Charges for non-official samples are proposed for an increase to cover costs incurred by Department. These range from \$0.20 to \$3.40, depending on the type of test requested.



State of West Virginia

DEPARTMENT OF AGRICULTURE

Gus R. Douglass, Commissioner

Janet L. Fisher
Deputy Commissioner

Steve Hannah
Deputy Commissioner

**West Virginia Feed Rule
Title 61 – Series 5
Summary of the Rule**

This rule establishes guidelines for permits and registrations, label format and good manufacturing practices for commercial feeds. Reporting of feed tonnage, provides laboratory service to individual, farmers and dealers and establishes methods for sampling, inspection and analysis.

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: West Virginia Feed Rule

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Department of Agriculture

Address: 1900 Kanawha Blvd., East
Charleston, WV 25305

Regulatory & Environmental Affairs Division, Herma Johnson, Director
(304) 558-2227

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

2. Explanation of Above Estimates:

The West Virginia Department of Agriculture currently administers the feed inspection programs

3. Objectives of These Rules:

To update the current rule in order to be in line with current industry events. Increase two groups of fees to cover cost of administering the program.

Rule Title: West Virginia Feed Rule

4. Explanation of Overall Economic Impact of Proposed Rule:

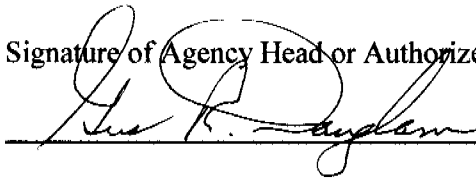
- A. Economic Impact on State Government:
Increase revenues to cover cost of laboratory analysis, label review and computer data programs.

- B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens: Increase the commercial feed, other than pet food, in packages over ten pounds or bulk to a \$10.00 annual fee. Also, increase charges for laboratory analysis for non-official samples ranging from \$0.20 to \$3.40, according to the type of test requested.

- C. Economic Impact on Citizens/Public at Large.
None

Date: 2/26/04

Signature of Agency Head or Authorized Representative:



**TITLE 61
LEGISLATIVE RULE
DEPARTMENT OF AGRICULTURE**

**SERIES 5
COMMERCIAL FEED**

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2004 JUL 26 P 3:36

OFFICE OF THE CLERK
SECRETARY OF STATE**§61-5-1. General.**

- 1.1. Scope. -- These rules establish guidelines for permits and registrations, label format and good manufacturing practices for commercial feeds. These are Legislative rules.
- 1.2. Authority. -- W. Va. Code §19-14-3.
- 1.3. Filing Date. -- ~~June 24, 1993.~~
- 1.4. Effective Date. -- ~~July 1, 1993.~~

§61-5-2. Incorporation by Reference.

- 2.1. The following documents are adopted in their entirety:
 - a. ~~Official Definitions of Feed Ingredients as published in the 1992 Official Publication of the Association of American Feed Control Officials, Incorporated.~~ Except where otherwise provided, the terms and definitions adopted by the Association of American Feed Control Officials in the last published edition of the annual Official Publication of the Association of American Feed Control Officials, Incorporated are hereby adopted by reference as the terms and definitions to control in this Series.
 - b. Official Pet Food Regulations as published ~~in the 1992~~ in the last published edition of the Official Publication of the Association of American Feed Control Officials, Incorporated.
 - c. Title 21 Code of Federal Regulations Section 589.2000, Animal proteins prohibited in ruminant feed.
 - d. Federal Food, Drug, and Cosmetic Act (August 1985), Sections 360(b), 406, 408(a), 409, 512, 706, also known as 21 United States Code.
 - e. Title 21 Code of Federal Regulations, Parts 225, 226, 501, 510, 558, 570, 573, 582, and 584 et seq. (April 1, 1990) adopted pursuant to the Federal Food, Drug, and Cosmetic Act (August 1985).
 - f. Title 40 Code of Federal Regulations Parts 185 and 186 et seq. (July 1, 1990) adopted pursuant to the Federal Food, Drug, and Cosmetic Act (August 1985).
 - g. Federal Virus, Serum and Toxins Act of 1913 as amended December 23, 1985, also known as 21 United States Code 151- 159.

§61-5-3. Definition and Terms.

- 3.1. The names and definitions for commercial feeds shall be the Official Definition of Feed Ingredients adopted by the Association of American Feed Control Officials, except as the Commissioner designates otherwise in specific cases.
- 3.2. The terms used in reference to commercial feeds shall be the Official Feed Terms adopted by the AAFCO, except as the Commissioner designates otherwise in specific cases.
- 3.3. The following commodities are hereby declared exempt from the definition of commercial feed, under the provisions of Section 3(d) of the Act: Raw meat, hay, loose salt, straw, stover, silages, cobs, husks, and hulls when unground and when not mixed or intermixed with other materials:

Provided that these commodities are not adulterated within the meaning of Section 7(a), of the Act.

- 3.4. "Electronic Announcements" means computer internet, telephone, facsimile, television and/or radio advertisement sales.

§61-5-4. Policy.

- 4.1. All persons distributing or using commercial feed, including retailers, wholesalers, jobbers and brokers are equally responsible for full compliance with the provisions of W. Va. Code §19-14-1 et seq. Any person who has in his or her possession any unlawful commercial feed is responsible for complying with the law, including registering the commercial feed, paying the tonnage fee, labeling the commercial feed and complying with any other legal requirement, if not met by another person.
- 4.2. The following persons must also comply with all provisions of W. Va. Code §19-14-1 et seq. and these rules:
- a. Each person who sells or intends to sell commercial feed directly to a purchaser located within this state via mail-order catalog or electronic announcements used in promoting the sale of feed; or
 - b. Each person who travels out of this state to purchase commercial feed for distribution or resale within this state; or
 - c. Each person who contacts a final purchaser located within this state, either verbally or in writing, to sell commercial feed.
- 4.3. All human food, stale human food or garbage used as feed is subject to registration, labeling and inspection fee provisions of W. Va. Code §19-14-5, 8 and 9 are subject to the inspection, sampling and analysis provisions of W. Va. Code §19-14-3.
- 4.4. The commissioner will not assess a tonnage fee on any commercial feed or feed ingredients used in the manufacture of poultry contract feed.

§61-5-5. Permits; Registration.

- 5.1. Commercial Feed Manufacturer Permit
- a. Each manufacturer of commercial feed, including customer-formula feed, within the state, subject to the provisions of W. Va. Code §19-14-5(c), must complete a "Commercial Feed Manufacturer Permit" application with the following information: the corporate or company name; the location; the mailing address; the phone number; the manager's name; the owner's name; and any other information relevant to the manufacture of any commercial feed that the commissioner may request in order to carry out the provisions of W. Va. Code §19-14-1 et seq. or these rules. The manufacturer or his or her authorized representative must sign and date the "Commercial Feed Manufacturer Permit" application under sworn statement. The application shall be accompanied by the fee listed in Appendix Number 2 – Fees Of This Rule.
 - b. The commissioner will not refund the application fee paid by a manufacturer or his or her authorized representative who cancels his or her "Commercial Feed Manufacturer Permit".
 - c. The commissioner will refund the application fee paid by a manufacturer when ~~he or she~~ the commissioner has refused the application for a "Commercial Feed Manufacturer Permit".
 - d. The commissioner will not refund the application fee paid by a manufacturer when ~~he or she~~ the commissioner has suspended or revoked the "Commercial Feed Manufacturer Permit".
- 5.2. Commercial Feed Distributor Permit.

- a. Each distributor subject to the provisions of W. Va. Code §19-14-5(d) must complete a "Commercial Feed Distributor Permit" application with the following information: the corporate or company name; the location(s); the mailing address; the phone number; the contact person; the owner's name and any other information relevant to the distribution of any commercial feed that the commissioner may request in order to carry out the provisions of W. Va. Code §19-14-1 et seq. or these rules. The distributor or his or her authorized representative must sign and date the "Commercial Feed Distributor Permit" application under sworn statement. The application shall be accompanied by the fee listed in Appendix Number 2 – Fees of This Rule.
- b. The commissioner will not refund the application fee paid by a distributor or his or her authorized representative who cancels his or her "Commercial Feed Distributor Permit".
- c. The commissioner will refund the application fee paid by a distributor when ~~he or she~~ the commissioner has refused the application for a "Commercial Feed Distributor Permit".
- d. The commissioner will not refund the application fee paid by a distributor when ~~he or she~~ the commissioner has suspended or revoked the "Commercial Feed Distributor Permit".

5.3. Commercial Feed Registration.

- a. Each person registering a commercial feed must complete a commercial feed registration application with the following information: the corporate or company name; the location; the mailing address; the phone number; the contact person; the owner's name; and the brand and product name of each feed to be registered. The commissioner may request additional information in order to carry out the provisions of W. Va. Code §19-14-1 et seq. or these rules. The application shall be accompanied by the fee listed in Appendix Number 2 – Fees Of This Rule. Commercial feed, other than pet food, in packages over ten pounds or bulk shall be registered permanently. On January 1, an annual fee of \$10.00 per product shall be assessed to cover administrative costs. Labels shall be required annually for each product registered in West Virginia.
 - 1. A label for each product listed on a commercial feed registration application must accompany the application.
 - 2. The registrant or his or her authorized representative must sign and date the "Commercial Feed Registration" application under sworn statement.
- b. The commissioner will not consider commercial feeds generally manufactured for and categorized for non-pet use (i.e., horses, pigs, sheep, goats, trout, duck and others) or for wild animal use (i.e., wild bird food) as pet food. The commissioner will determine the category of other products as pet food or non-pet food on a case-by-case basis.
- c. An individual commercial feed registration is not required for each pet food biscuit or rawhide chew manufactured in different sizes, such as small, medium, large, or a commercial feed manufactured in different forms, such as pellets, crumbles or mash; however, the registrant must indicate the sizes and/or forms in which the product is manufactured and provide labels for each product when applying for registration.
- d. The commissioner will not refund the application fee paid by a registrant or his or her authorized representative who cancels his or her "Commercial Feed Registration" in part or in whole.
- e. The commissioner will refund the application fee paid by a registrant when ~~he or she~~ the commissioner has refused the application for a "Commercial Feed Registration" in part or in whole.
- f. The commissioner will not refund the application fee paid by a registrant when ~~he or she~~ the commissioner has suspended or revoked the "Commercial Feed Registration" in part or in whole.
- g. The registrant shall notify the commissioner when a product is discontinued or removed from

distribution in this state. The registrant shall maintain registration for a product no longer distributed in this state for one additional registration period to allow for the sale or removal of the product on the shelves or the registrant shall immediately withdraw the product from distribution. After that period, the commissioner may hold the registrant, the distributor or the person offering the product for sale responsible for complying with W. Va. Code §19-14-5(e) and this rule.

~~4.3.8. The commissioner will maintain registrations for commercial feeds distributed in packages over ten pounds and unpackaged feed (bulk) that have been registered before May 28, 1991 until the registration is canceled by the registrant or the commissioner revokes or suspends the registration for cause.~~

~~4.3.9. The commissioner shall review and process revisions to commercial feeds in packages over ten pounds and unpackaged feed (bulk), registered before May 28, 1991, that have been submitted to the commissioner by the registrant subject to the provisions of W. Va. Code §19-14-1 et seq.~~

- h. Prior to approval of a registration application or approval of a label for commercial feed which contains additives (including drugs, other special purpose additives, or non-nutritive additives), the commissioner may require the registrant to submit evidence to prove the safety and efficacy of the commercial feed when used according to the directions furnished on the label.
- i. If a pet food or specialty pet food requires minor label revision(s) to conform to labeling requirements, the commissioner shall register the product conditionally for the current registration period; however, if a label requires major revisions, the commissioner shall withhold the product from registration pending revision of labeling. The commissioner shall offer the applicant an opportunity for a hearing in this matter pursuant to W. Va. Code §19-14-7.
 - 1. Minor revisions are those items that are necessary to conform to W. Va. Code §19-14-8, but, without correction, are not likely to cause the purchaser of the product to be misinformed, such as the guaranteed analysis being listed out of order.
 - 2. Major revisions may include, but are not limited to, a misleading and/or contradictory claims on the label, a misleading product name or other revisions that may mislead or misinform a purchaser.
- j. When pet food or specialty pet food labels are changed by the manufacturer of his own accord, the registrant shall submit a new application for a revision to the registration. The commissioner will waive the application fee for any label revision that involves a change in the net weight or a change in the list of ingredients.
- k. The commissioner will not require registration of any pet chew, bone, toy or exerciser (of any shape or size) made of rawhide, wood or man-made material, whether flavor-coated or unflavored, unless the registrant makes a claim on the product label or labeling that the product is intended for use as an animal food, or that the product provides anything of nutritional value to the animal.
- l. The commissioner will consider poultry contract feed to be customer-formula feed.

5.4. A penalty shall be added to the fee for all permits or registrations that are not applied for or renewed within the time limit. The penalty is listed in Appendix Number 2 – Fees Of This Rule.

§61-5-6. Inspection Fees

6.1. Each person, as required in §19-14-9(b) to file semi-annual tonnage reports, shall file the reports accompanied by an inspection fee at the rate of thirty-five cents per ton on commercial feed and

- feed ingredients with the minimum inspection fee being ten dollars each statement. The minimum fee is waived if the total amount of the calculated inspection fee due is two dollars or less.
- 6.2. Inspection fees which are due and payable and not remitted to the commissioner within fifteen days following the due date shall be assessed a penalty of ten percent of the amount due, except that semiannual reports with no fees due received fifteen days after the due date shall be assessed a penalty of one-hundred dollars.

§61-5-7. Labeling.

5.1. The information required in W. Va. Code §19-14-8(b)(1) (5) must appear in its entirety on one side of the label or on one side of the container of any commercial feed. The registrant shall display the information required by W. Va. Code §19-14-8(b)(6) (7) in a prominent place on the label or container but not necessarily on the same side as information required in W. Va. Code §19-14-8(b)(1) (5). When the information required by W. Va. Code §19-14-8(b)(6) (7) 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."

- 7.1. All commercial feed labels, except customer-formula feeds, shall state the following:
- a. The following information must appear in its entirety on one side of the label or on one side of the container of any commercial feed. Examples of labeling for a few animal classes can be found in Appendices 4, 6, 8, 10 and 12.
 1. The net weight avoirdupois. The net weight may also be stated in metric units.
 2. The product name, including brand name, if any, under which the commercial feed is distributed.
 - A. The registrant shall use a brand or product name that is appropriate for the intended use of the feed and that is not misleading. If the name indicates the feed is made for a specific use, the character of the feed must conform with the specific use. A commercial feed labeled "Dairy Feed," for example, must be suitable for that purpose.
 - B. The registrant shall not use a commercial, registered brand or trade name in any guarantee or ingredient listings but may use a commercial, registered brand or trade name in the product name of feeds produced by or for the firm holding the rights to the name.
 - C. The registrant shall not derive the name of a commercial feed from one or more ingredients of a mixture to the exclusion of other ingredients. The name of a commercial feed 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 registrant shall not use the word "protein" 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, That the registrant may use other percentage values if they are followed by the proper description and conform to good

- labeling practice. In no case shall the registrant use numbers in the name of the product in a manner that is misleading or confusing to the customer.
- F. The registrant shall use a name for a single ingredient feed that is in accordance with the name of the product designated in the Official Definition of Feed Ingredients, as incorporated by reference in section 2 of these rules, unless the commissioner allows otherwise.
- G. The registrant may use the word "vitamin," or a contraction thereof, or any word suggesting a vitamin only in the name of a commercial feed which is represented to be a vitamin supplement, and which is labeled with the minimum content of each vitamin declared, as specified in subsection 8.3 of these rules.
- H. The registrant may not use the term "mineralized" in the name of a feed except for its use in the phrase "TRACE MINERALIZED SALT." When this phrase is used, the product must contain significant amounts of trace minerals which are recognized as essential for animal nutrition.
- I. The registrant shall qualify the terms "meat" and "meat by-products" to designate the animal from which the meat and meat by-products are derived unless the meat and meat by-products are made from cattle, swine, sheep or goats.
3. The guaranteed analysis stating what the commissioner determines by rules is required to advise the user of the composition of the feed and other necessary information to support claims made on the label. The substances or elements guaranteed must be determinable by laboratory methods published by the association of official analytical chemists or by an acceptable method supplied by the registrant.
- A. Guarantees – Crude Protein, Equivalent Crude Protein from Non Protein Nitrogen, Amino Acids, Crude Fat, Crude Fiber, Acid Detergent Fiber, Calcium, Phosphorus, Salt and Sodium shall be the sequence of nutritional guarantees when such guarantee is stated. Other required and voluntary guarantees should follow in a general format such that the units of measure used to express guarantees (percentage, parts per million, International Units, etc.) are listed in a sequence that provides a consistent grouping of the units of measure. The required and voluntary guarantees for various animal classes or species are found in Appendices 3, 5, 7, 9, 11, 13, 14, 15 and 16 of this rule, in consideration of the following exemptions:
1. A mineral guarantee for feed, excluding those feeds manufactured as complete feeds and for feed supplements intended to be mixed with grain to produce a complete feed for swine, poultry, fish, and veal and herd milk replacers, is not required when:
 - (a) 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
 - (b) The feed or feed ingredient is intended for non-food producing animals and contains less than 6.5% total mineral.
 2. Guarantees for vitamins are not required when the commercial feed is neither formulated for nor represented in any manner as a vitamin supplement.
 3. 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.

4. 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.
 5. The indication for animal class(es) and species is not required on single ingredient products if the ingredient is not intended, represented, or defined for a specific animal class(es) or species.
4. An ingredient statement, except that an ingredient statement is not required for single standardized ingredient feeds or when such statement is not in the interest of consumers. An ingredient statement shall include:
 - A. The common or usual name of each ingredient as officially defined in the annual Official Publication of the Association of American Feed Control Officials;
 - B. Collective terms as defined in the annual Official Publication of the Association of American Feed Control Officials;
 - C. The common or usual name of substances generally recognized as safe (GRAS) as authorized by 21 Code of Federal Regulations 570.30 (April 1, 1990) of the Federal Drug and Cosmetic Act as amended August, 1985;
 - D. The common or usual name of substances which are so common so as to not need a definition, have a substantially safe history, and no safety hazard is known to exist after consumption by a significant number of animals, including, but not limited to, salt and sugar; or
 - E. Other ingredients or additives that the commissioner, by rules, deems necessary.
 1. Feed ingredients, collective terms for the grouping of feed ingredients, or appropriate statements as provided under the provisions of Section 5(a)(4) of the Act.
 - (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 Commissioner.
 - (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:
 - (1) 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.
 - (2) 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.
 5. The name and principal mailing address of the manufacturer or the distributor.
 6. Adequate directions and precautionary statements for safe and effective use.
 7. If a drug or drug containing product is used, then the following shall be stated:
 - A. The established name of each active drug ingredient;
 - B. The level of each drug used in the final mixture;
 - C. The purpose of the medication (claim statement);
 - D. Appropriate cautions and warnings on the use of the commercial feed;
 - E. Withdrawal statements, if applicable;

F. 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.

~~5.1.1. The guaranteed analysis of the commercial feed as required under the provisions of W. Va. Code §19-14-8(b)(3) shall include the following items, unless exempted in section 5.1.1.i of these rules, and the registrant shall list the guaranteed analysis in the following order:~~

- ~~a. The minimum percentage of crude protein.~~
- ~~b. The minimum or maximum percentage of equivalent protein from non-protein nitrogen, if present, as required in subsection 7.5 of these rules.~~
- ~~c. The minimum percentage of crude fat.~~
- ~~d. The maximum percentage of crude fiber.~~
- ~~e. Minerals in formula feeds, to include in the following order: minimum and maximum percentages of calcium; minimum percentage of phosphorus; minimum and maximum percentages of salt; and other minerals.~~
- ~~f. Minerals in feed ingredients as specified in the Official Definitions of Feed Ingredients, as incorporated by reference in section 2 of this rule.~~
- ~~g. Vitamins in terms specified in subsection 7.3 of these rules.~~
- ~~h. Other guarantees as specified by the Official Definitions of Feed Ingredients, as incorporated by reference in section 2 of this rule.~~
- ~~i. except that:

 - ~~A. Guarantees for product sold primarily for their sugar content or on dried molasses products may be expressed as total sugars.~~
 - ~~B. Guarantees for product containing viable lactic acid producing micro-organisms for use in silages shall include the information required by subsection 7.7 of these rules in addition to the requirements of W. Va. Code §19-14-8(b)(3).~~
 - ~~C. Guarantees for product sold primarily for their fat content may be expressed as the minimum percentage of total fatty acids the maximum percentage of unsaponifiable matter and the maximum percentage of insoluble matter.~~
 - ~~D. Guarantees for minerals are not required when there are no specific label claims and when the commercial feed contains less than 6-1/2% of Calcium, Phosphorus, Sodium and Chloride.~~
 - ~~E. Guarantees for vitamins are not required when the commercial feed is neither formulated for nor represented in any manner as a vitamin supplement.~~
 - ~~F. 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 to the primary purpose of the product, such as drug premixes, mineral or vitamin supplements, and molasses.~~
 - ~~G. 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 to the primary purpose of the product, and when no specific label claims regarding these microorganisms are made.~~~~

- 7.2. Pet food labels, excluding specialty pet foods, shall conform to the Official Pet Food Regulations, as incorporated by reference in section 2 of these rules.
- 7.3. Specialty pet food labels shall conform to the requirements of W. Va. Code §19-14-8.
- 7.4. The registrant shall provide information to substantiate claims of improvement or newness (i.e., new, improved, introducing, better tasting, more taste than before) when required by the commissioner. The registrant shall limit the use of these claims to six months' production of the feed and shall submit a revised label within six months of original registration. The commissioner will not require an additional application fee for the submission of a revised label under these circumstances during the current registration period.

- 7.5. If a manufacturer or distributor sells customer-formula feed in bags, rather than unpackaged feed (bulk), then he or she is not required to label each bag, Provided that an invoice, which supplies all the information required by W. Va. Code §19-14-8(d), accompanies the customer-formula feed at all times that the feed is distributed.
- 7.6. Poultry contract feed labels shall conform to the requirements of W. Va. Code §19-14-8d, except that:
- the name of the grower or feeder will substitute for the requirements for the name of the purchaser; and,
 - the net weight (avoirdupois) of the commercial feed and each feed ingredient used in the feed shall not be required to be listed.

7.7. Purpose Statement

- The statement of purpose shall contain the specific species and animal class(es) for which the feed is intended as defined in Subparagraph 7.1.a.3.A.
 - 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 Subparagraph 7.1.a.3.A. which may include, but is not limited to weight range(s), sex, or ages of the animal(s) for which the feed is manufactured.
 - 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.
 - The purpose statement of a premix for the manufacture of feed may exclude the animal class and species and state "For Further Manufacture of Feed" if the nutrients contained in the premix are guaranteed and sufficient for formulation into various animal species feeds and premix specifications are provided by the end user of the premix. [This section applicable to commercial feeds regulated under Appendix 12.b.10.]
 - The purpose statement of a single purpose ingredient blend, such as a blend of animal protein products, milk products, fat products, roughage products or molasses products may exclude the animal class and species and state "For Further Manufacture of Feed" if the label guarantees of the nutrients contained in the single purpose nutrient blend are sufficient to provide for formulation into various animal species feeds. [This section applicable to commercial feeds regulated under Appendix 12.b.10.]
 - The purpose statement of a product shall include a statement of enzyme functionality if enzymatic activity is represented in any manner.
- 7.8. The registrant shall not subordinate or obscure the information required by this section by other statements or designs.

§61-5-6. Brand and Product Names.

~~6.1. The registrant shall use a brand or product name that is appropriate for the intended use of the feed and that is not misleading. If the name indicates the feed is made for a specific use, the character of the feed must conform with the specific use. A commercial feed labeled "Dairy Feed," for example, must be suitable for that purpose.~~

~~6.2. The registrant shall not use a commercial, registered brand or trade name in any guarantee or ingredient listings but may use a commercial, registered brand or trade name in the product name of feeds produced by or for the firm holding the rights to the name.~~

~~6.3. The registrant shall not derive the name of a commercial feed from one or more ingredients of a mixture to the exclusion of other ingredients. The name of a commercial feed 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.

6.4. The registrant shall not use the word "protein" in the product name of a feed that contains added non-protein nitrogen.

6.5. 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 the registrant may use other percentage values if they are followed by the proper description and conform to good labeling practice. In no case shall the registrant use numbers in the name of the product in a manner that is misleading or confusing to the customer.

6.6. The registrant shall use a name for a single ingredient feed that is in accord with the name of the product designated in the Official Definition of Feed Ingredients, as incorporated by reference in section 2 of these rules, unless the commissioner allows otherwise.

6.7. The registrant may use the word "vitamin," or a contraction thereof, or any word suggesting a vitamin only in the name of a commercial feed which is represented to be a vitamin supplement, and which is labeled with the minimum content of each vitamin declared, as specified in subsection 7.3 of these rules.

6.8. The registrant may not use the term "mineralized" in the name of a feed except for its use in the phrase "TRACE MINERALIZED SALT." When this phrase is used, the product must contain significant amounts of trace minerals which are recognized as essential for animal nutrition.

6.9. The registrant shall qualify the terms "meat" and "meat by products" to designate the animal from which the meat and meat by products are derived unless the meat and meat by products are made from cattle, swine, sheep or goats.

§61-5-8. Expression of Guarantees.

7.1. The registrant shall express guarantees for crude protein, equivalent protein from non protein nitrogen, crude fat, crude fiber and mineral guarantees in terms of percentages.

7.2. For commercial feeds containing 6 1/2% or more Calcium, Phosphorus, Sodium and Chloride, the registrant shall guarantee 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). The registrant shall guarantee minerals, except salt (NaCl), in terms of percentage of the element. When calcium and/or salt guarantees are given in the guaranteed analysis, the guarantee for calcium and/or salt, shall be stated and conform to the following:

7.2.1. When the minimum is 5.0% or less, the maximum shall not exceed the minimum by more than one percentage point;

7.2.2. When the minimum is above 5.0%, the maximum shall not exceed the minimum by more than 20% and in no case shall the maximum exceed the minimum by more than 5 percentage points.

7.2.3. When required, the registrant shall state guarantees for minimum potassium, magnesium, sulfur and maximum fluoride in terms of percentage. The registrant shall state other minimum mineral guarantees 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.

7.3. The registrant shall state the guarantees for minimum vitamin content in a commercial feed as mg/lb unless otherwise specified in this subsection and shall list guarantees on the label in the order specified in this subsection:

7.3.1. Vitamin A, other than precursors of vitamin A, shall be guaranteed in International Units per pound.

7.3.2. Vitamin D 3 in products offered for poultry feeding, shall be guaranteed in International Chick Units per pound.

7.3.3. Vitamin D in products not offered for poultry feeding, shall be guaranteed in International Units per pound.

7.3.4. Vitamin E shall be guaranteed in International Units per pound.

~~7.3.5. Vitamin B-12 shall be guaranteed in milligrams or micrograms per pound.~~

~~7.3.6. Vitamins A, D and/or E that are in concentrated oils and feed additive premixes may be guaranteed, at the option of the registrant, in either units per gram or units per pound.~~

~~7.3.7. All other vitamin guarantees shall express the vitamin activity in milligrams per pound and shall be listed in the following order: menadione; riboflavin; d pantothenic acid; thiamine; niacin; vitamin B-6; folic acid, choline, biotin, inositol; p- amino benzoic acid, ascorbic acid; and carotene.~~

~~7.4. The registrant shall guarantee drugs on the label in terms of percent by weight, except that:~~

~~7.4.1. Drugs, present at less than 2,000 grams per ton (total) of commercial feed shall be guaranteed as grams per ton of commercial feed.~~

~~7.4.2. Drugs, present at 2,000 or more grams per ton (total) of commercial feed shall be guaranteed as grams per pound of commercial feed.~~

~~7.4.3. Drugs, when incorporated in feed where the feeding directions give a dosage in "milligrams" may be guaranteed as milligrams per pound of commercial feed.~~

~~7.5. The registrant shall label and guarantee commercial feeds containing any added non protein nitrogen as follows:~~

~~7.5.1. For ruminants:~~

~~a. Complete feeds, supplements, and concentrates containing added non protein nitrogen and containing more than 5% protein from natural sources:~~

~~Crude protein, minimum, _____%~~

~~(This includes not more than _____%
equivalent protein from non protein nitrogen).~~

~~b. Mixed feed concentrates and supplements containing less than 5% protein from natural sources:~~

~~Equivalent Crude Protein from
Non-Protein Nitrogen,
minimum, _____%~~

~~c. Ingredient sources of non protein nitrogen, such as Urea, Diammonium Phosphate, Ammonium Polyphosphate Solution, Ammoniated Rice Hulls, or other basic non protein nitrogen ingredients defined in the Official Definitions of Feed Ingredients, as adopted by reference in section 2 of these rules:~~

~~Nitrogen, minimum, _____%~~

~~Equivalent Crude Protein from
Non-Protein Nitrogen,
minimum, _____%~~

~~7.5.2. For non-ruminants:~~

~~a. Complete feeds, supplements and concentrates containing crude protein from all forms of non-protein nitrogen, added as such:~~

~~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.~~

~~7.6. The registrant shall label mineral phosphatic materials for feeding purposes with the guarantee for minimum and maximum percentage of calcium (when present), the minimum percentage of phosphorus, and the maximum percentage of fluorine.~~

~~7.7. The registrant shall state the guarantees for microorganisms on the label in colony forming units per~~

~~gram (CFU/g) when directions are for using the product in grams, or in colony forming units per pound (CFU/lb) when directions are for using the product in pounds. A parenthetical statement following the guarantee shall list each species in order of predominance.~~

~~7.8. The commissioner will not register any feed that is labeled with the sliding scale method of expressing guarantees (for example, "Protein 15-18%").~~

8.1. The guarantee for crude protein, equivalent crude protein from non-protein nitrogen, lysine, methionine, other amino acids, crude fat, crude fiber and acid detergent fiber shall be in terms of percentage.

8.2. Mineral Guarantees

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

1. When the minimum is below 2.5%, the maximum shall not exceed the minimum by more than 0.5 percentage point.
2. When the minimum is 2.5 % but less than 5.0%, the maximum shall not exceed the minimum by more than one percentage point.
3. 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 fluorine 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.

8.3. 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. Vitamins 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.

8.4. 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. 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 specially noted in the Federal Food Additive regulations for certain antibiotics, wherein quantitative guarantees are required regardless of the level or purpose of the antibiotic.

- d. 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.
- 8.5. Commercial feeds containing any added non-protein nitrogen shall be labeled as follows:
- a. For ruminants:
1. 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).
 2. 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, _____ %
 3. Ingredient sources of non-protein such as Urea, Diammonium Phosphate, Ammonium Polyphosphate Solution, Ammoniated Rice Hulls, or other basic non-protein nitrogen ingredients defined by the Association of American Feed Control Officials shall be guaranteed as follows:
Nitrogen, minimum, _____ %
Equivalent Crude Protein from Non-Protein Nitrogen, minimum, _____ %
- b. For non-ruminants
1. 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)).
 2. 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.
- 8.6. 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.
- 8.7. Guarantees for microorganisms shall be stated in colony forming units per gram (CFU/g) when directions are for using the product in grams, or in colony forming units per pound (CFU/lb) when directions are for using the product in pounds. A parenthetical statement following the guarantee shall list each species in order of predominance.
- 8.8. Guarantee for enzymes shall be stated in units of enzymatic activity per unit weight or volume, consistent with label directions. The source organism for each type of enzymatic activity shall be specified, such as : Protease (Bacillus subtilis) 5.5 mg amino acids liberated/min./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.

§61-5-9. Substantiation of Nutritional Suitability

- 9.1. A commercial feed, other than a customer-formula feed, shall be nutritionally suitable for its intended purpose as represented by its labeling.

- 9.2. If the commissioner has reasonable cause to believe a commercial feed is not nutritionally suitable, the commissioner may request the feed manufacturer to either submit an "Affidavit of Suitability" or an alternative procedure acceptable to the commissioner, certifying the nutritional adequacy of the feed. The Affidavit of Suitability or alternative procedure of suitability shall serve as substantiation of the suitability of the feed.
- 9.3. If an Affidavit of Suitability, or alternative procedure acceptable to the commissioner is not submitted by the feed manufacturer within 30 days of written notification of the commissioner may deem the feed adulterated under section 7 (c) of the Model Bill and order the feed removed from the marketplace.
- 9.4. The Affidavit of Suitability shall contain the following information:
- a. The feed company's name;
 - b. The feed's product name;
 - c. The name and title of the affiant submitting the document;
 - d. A statement that the affiant has knowledge of the nutritional content of the feed and based on valid scientific evidence the feed is nutritionally adequate for its intended purpose;
 - e. The date of submission; and
 - f. The signature of the affiant notarized by a certified Notary Public.
- 9.5. An acceptable example of the Affidavit of Suitability is found in Appendix Number 13.

§61-5-10. Ingredient Statement Ingredients.

- ~~8.1. The registrant shall label each commercial feed with an ingredient statement with:~~
- ~~8.1.1. The name of each ingredient in letters or type of the same size.~~
 - ~~8.1.2. No reference to the quality or grade of any ingredient in the ingredient statement.~~
 - ~~8.1.3. The term "dehydrated" permitted only prior to the name of an ingredient that has been artificially dried.~~
 - ~~8.1.4. The term "iodized" permitted only prior to the name of an ingredient when the ingredient contains not less than 0.007% iodine, uniformly distributed.~~
 - ~~8.1.5. The term "water" appearing in the list of ingredients when water is added in the preparation of canned pet food.~~
- ~~8.2. The registrant may use ingredients that have a tentative official definition listed in the Official Definitions of Feed Ingredients, as adopted in section 2 of these rules, only if no official definition exists.~~
- ~~8.3. The registrant may use the names of food additives and ingredients generally recognized as safe pursuant to 21 CFR Parts 573, 582 and 584, respectively, when these products are added to the commercial feed.~~
- ~~8.4. The registrant is not required to have an ingredient statement for any single ingredient product where the name of the product is the same as the product that is defined by the Official Definitions of Feed Ingredients, as incorporated by reference in section 2 of these rules.~~
- 10.1. 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 the Official Definitions of Feed Ingredients as published in the Official Publication of the Association of American Feed Control Officials, the common or usual name, or one approved by the commissioner.
- 10.2. The name of each ingredient must be shown in letters or type of the same size.
- 10.3. No reference to quality or grade of an ingredient shall appear in the ingredient statement of a feed.
- 10.4. The term "dehydrated" may precede the name of any product that has been artificially dried.
- 10.5. A single ingredient product defined by the Association of American Feed Control Officials is not required to have an ingredient statement.

- 10.6. 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).
- 10.7. 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.

§61-5-11. Directions for Use and Precautionary Statements.

~~9.1.1. The registrant shall include directions for use and precautionary statements on the label or labeling of all commercial feeds containing additives (including drugs, special purpose additives, or non-nutritive additives). The directions for use and precautionary statements shall be adequate to enable the safe and effective use of the commercial feed for its intended purposes by the users with no special knowledge of the purpose and use of commercial feeds; and,~~

~~9.1.2. Include at a minimum, but not be limited to, all information described by all applicable regulations under 21 CFR, Parts 501, 510 and 558, as incorporated by reference in section 2 of these rules.~~

~~9.2. 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, added as such, exceeds one-third of the total crude protein, then the registrant shall include on the label adequate directions for the safe use of the feed and the caution statement: "CAUTION: USE AS DIRECTED." The directions for use and the caution statement shall be in type of such size so placed on the label that they will be read and understood by ordinary persons under customary conditions of purchase and use.~~

~~9.3. The registrant shall include adequate directions for use and precautionary statements necessary for the safe and effective use of 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.~~

~~9.4. 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 the registrant to duplicate the feeding directions or the precautionary statements as long as the statements that are on the label include sufficient information to ensure the safe and effective use of this product as formulated.~~

- 11.1. 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:
- 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.
- 11.2. Adequate directions for use and precautionary statements are required for feeds containing non-protein as specified in §61-5-12.
- 11.3. Adequate directions for safe 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.

§61-5-12. Non-Protein Nitrogen.

~~10.1. The commissioner will register commercial feeds with urea and other non-protein nitrogen products that are defined in the Official Definitions of Feed Ingredients, as incorporated by reference in section 2 of these rules, as a source of equivalent crude protein only for use in feed for ruminant animals.~~

~~10.2. The commissioner will register commercial feeds with non-protein nitrogen products that are defined~~

~~in the Official Definitions of Feed Ingredients, as incorporated by reference in section 2 of these rules, when these ingredients are used as a source of nutrients other than equivalent crude protein only for use in feed for non-ruminant animals provided that the maximum equivalent crude protein from non-protein nitrogen sources when used in non-ruminant animal rations does not exceed 1.25% of the total daily ration.~~

- 12.1. Urea and other non-protein 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% 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 precautionary statement shall be in type of such size so placed on the label that they will be read and understood by ordinary person under customary conditions of purchase and use.
- 12.2. Non-protein 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 non-protein nitrogen sources when used in non-ruminant rations shall not exceed 1.25% of the total daily ration.
- 12.3. 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.

§61-5-13.—Evidence of Safety and Efficacy. Drug and Feed Additives

~~11.1. The commissioner shall accept the following as satisfactory evidence of the safety and efficacy of a commercial feed:~~

~~11.1.1. The use of additives in the commercial feed conforms to the requirements of 21 CFR Parts 570, 573 and 584, as incorporated by reference in section 2 of these rules or which are "prior sanctioned" or "informal review sanctioned" or "generally recognized as safe" for its indicated use.~~

~~a. "Additive" is defined as an ingredient or combination of ingredients added to the basic feed mix or parts thereof to fulfill a specific need. Additives are usually used in micro quantities and require careful handling and mixing for safe and effective use.~~

~~11.1.2. The use of any drug that is generally recognized as safe and effective for the labeled use or that is marketed subject to an application approved by the Federal Food, Drug, and Cosmetic Act, Section 360(b), as incorporated by reference in section 2 of these rules.~~

~~11.1.3. The use of any immunological agent that has been approved for that purpose through the Federal Virus, Serum and Toxins Act of 1913, as incorporated by reference in section 2 of these rules, when one of the purposes for feeding the commercial feed is to impart immunity (that is, to act through some immunological process the constituents imparting immunity).~~

~~11.1.4. The use of any direct fed microbial product, as defined in the Official Definitions of Feed Ingredients, as incorporated by reference in section 2 of this rule, that meets the particular fermentation product definition; where 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 where the source of the microorganisms is stated with a corresponding guarantee expressed in accordance with subsection 7.7 of these rules.~~

- 13.1. Prior to approval of a registration application and/or approval of a label for commercial feed which contain 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.
- 13.2. Satisfactory evidence of safety and efficacy of a commercial feed may be:
- a. 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
 - b. When the commercial feed is itself a drug defined in Section 3 (g) of the Act and is generally recognized as safe and effective for the labeled use or is marketed subject to an application approved by the Food and Drug Administration under Title 21 U.S.C. 360 b, 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 Toxin Act of 1913, as amended, or
 - d. When the commercial feed is a direct fed microbial product and:
 1. The product meets the particular fermentation product definition; and
 2. 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
 3. The source is stated with a corresponding guarantee expressed in accordance with §61-5-8.7.
 - e. When the commercial feed is an enzyme product and:
 1. The product meets the particular enzyme definition defined by the Association of American Feed Control Officials; and
 2. The enzyme is stated with a corresponding guarantee expressed in accordance with §61-5-8.8.

§61-5-14. Adulteration.

- 14.1. A commercial feed is adulterated:
- a. If it bears or contains any poisonous or deleterious substance which may render it injurious to animal or human health; but in the case where the substance is not an added substance, the commercial feed is not considered adulterated under this subsection if the quantity of the substance in the commercial feed does not ordinarily render it injurious to health; or
 - b. For the purpose of Section 7(a)(1) of the Act, the terms "poisonous or deleterious substances" include but are not limited to the following:
 1. Fluorine and any mineral or mineral mixture which is to be used directly for the feeding of domestic animals and which the fluorine exceeds 0.20% for breeding and dairy cattle; 0.30% for slaughter cattle; 0.30% for sheep; 0.35% for lambs; 0.45% for swine; and 0.60% for poultry.
 2. Fluorine bearing ingredients when used in such amounts that they raise the fluorine content of the total ration (exclusive of roughage) above the following amounts: 0.004% for breeding and dairy cattle; 0.009% for slaughter cattle; 0.006% for sheep; 0.01% for lambs; 0.015% for swine and 0.03% for poultry.

3. Fluorine bearing ingredients incorporated in any feed that is fed directly to cattle, sheep or goats consuming roughage (with or without) limited amounts of grain, that results in a daily fluorine intake in excess of 50 milligrams of Fluorine per 100 pounds of body weight.
4. Soybean meal, flakes or pellets or other vegetable meals, flakes or pellets which have been extracted with 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).

- c. If it contains any viable weed seeds in screenings or by-products of grains and seeds containing weed seeds when the product is used in commercial feed or sold as a single ingredient feed. Products containing viable weed seed shall be ground fine enough or otherwise treated to destroy the viability of weed seeds prior to distribution.

~~12.1.2. If it bears or contains any added poisonous, added deleterious, or added nonnutritive substance which is unsafe within the meaning of Section 406 of the Federal Food, Drug, and Cosmetic Act, as incorporated by reference in section 2 of these rules, (other than one which is a pesticide chemical in or on a raw agricultural commodity or a food additive); or~~

~~12.1.3. 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, as incorporated by reference in section 2 of these rules; or~~

~~12.1.4. 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, as incorporated by reference in section 2 of these rules; 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 the raw agricultural commodity has been subjected to processing, such as canning, cooking, freezing, dehydrating, or milling, the residue of the pesticide chemical remaining in or on the processed feed is not considered unsafe if the residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and the concentration of the residue in the processed feed is not greater than the tolerance prescribed for the raw agricultural commodity unless the feeding of the 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~~

~~12.1.5. If it is, or it bears or contains any color additive which is unsafe within the meaning of Section 706 of the Federal Food, Drug and Cosmetic Act, as incorporated by reference in section 2 of these rules; or~~

~~12.1.6. 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, as incorporated by reference in section 2 of these rules.~~

~~12.1.7. If any valuable constituent has been in whole or in part omitted or abstracted from the commercial feed or any less valuable substance substituted for it.~~

- d. If it contains a drug and the methods used in or the facilities or controls used for its manufacture, processing, or packaging do not conform to current good manufacturing practices to assure the drug meets the requirements of W. Va. Code §19-14-10 and 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.

~~12.1.9. If it contains the following poisonous, deleterious or nonnutritive substances as defined in this subsection:~~

- 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 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 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.

~~12.1.10. If it is or contains soybean meal, flakes or pellets or other vegetable meals, flakes or pellets which have been extracted with trichlorethylene or other chlorinated solvents.~~

~~12.1.11. If it contains 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).~~

~~12.1.1. If it contains any viable weed seeds in screenings or by-products of grains and seeds containing weed seeds when the product is used in commercial feed or sold as a single ingredient feed. Products containing viable weed seed shall be ground fine enough or otherwise treated to destroy the viability of weed seeds prior to distribution.~~

~~12.1.m. If it is packaged in bags which are not adequately cleaned to remove residues of potential adulterants which may be harmful to animals.~~

- 14.2. Tolerances for pesticide residues in commercial feed are those specified in 40 CFR Parts 185 and 186, as incorporated by reference in section 2 of these rules.

§61-5-15. Laboratory Services.

- 15.1. The commissioner shall make available laboratory facilities for the analysis of feed, hay, grass or silage samples for interested persons on a non-official basis.
- 15.2. Charges for such non-official tests are specified in ~~Table 61-5-A~~ Appendix 1 of this rule.
- 15.3. The commissioner shall not charge a person for an official sample taken by the commissioner in the course of carrying out the powers and duties under W. Va. Code §19-14-3 or these rules.

§61-5-16. Powers and Duties of the Commissioner.

- 16.1. When sample collection by the commissioner destroys the salability of the product (for example, when an entire package must be collected for analysis), the commissioner shall offer to pay the custodian of the product an amount not more than the wholesale cost of that product to that retailer.

§61-5-17. Enforcement Policy.

- 17.1. First Notice -- If a commercial feed sample does not conform to W. Va. Code §19-14-1 et seq. or these rules, the commissioner shall issue a first notice to the registrant of the commercial feed. The commissioner ~~may also~~ will issue an embargo order for the lot of commercial feed to the custodian of the lot sampled. The commissioner will take an additional sample from a different lot.
- 17.2. Second Notice -- If a commercial feed sample does not conform to W. Va. Code §19-14-1 et seq. or these rules ~~within a twelve-month period of assessing a first notice~~, the commissioner shall issue a second notice to the registrant of the commercial feed. The commissioner shall also issue an embargo order for the lot of commercial feed to the custodian of the lot sampled. The commissioner will take an additional sample from a different lot.
- 17.3. Third Notice -- If a commercial feed sample does not conform to W. Va. Code §19-14-1 et seq. or

these rules subsequent to the assessment of a second notice ~~and within a twelve-month period of assessing a first notice~~, the commissioner shall issue a third notice to the registrant of the commercial feed. The commissioner shall also issue a general embargo order to the registrant that will require him or her to remove all lots of that commercial feed from sale and distribution within the state until the embargo is released.

- 17.4. If a resample indicates that the commercial feed is in compliance with W. Va. Code §19-14-1 et seq. and these rules, then all previous notices of violations for that commercial feed will be canceled.
- 17.5. The commissioner may take other action as considered necessary in order to carry out the provisions of W. Va. Code §19-14-1 et seq. and these rules.

§61-5-18. Good Manufacturing Practices.

- 18.1. For the purposes of enforcement of W. Va. Code §19-14-10 and of section ~~12~~ 14 of these rules, the commissioner adopts the following regulations as current good manufacturing practices:
- a. 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, Sections 225.1-225.202
 - b. 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.
 - c. Bags or totes used for commercial feeds (including customer-formula feed) shall not be re-used unless appropriately cleaned. A firm that intends to re-use bags or totes must document their cleanout procedures.

~~16.1.1. The regulations prescribing good manufacturing practices for Type B and Type C medicated feeds as published in the 21 CFR 225.1-225.115 for which a medicated feed application is required by the Food and Drug Administration.~~

~~16.1.2. The regulations in 21 CFR 225.2 and 225.120 through 225.202 apply to facilities manufacturing solely medicated feeds for which approved medicated feed applications are not required.~~

~~16.2. Feed bags may be re-used for a customer formula feed, Provided that only the customer furnishes the used bags to the manufacturer and that the re-use of these bags will not adulterate the commercial feed pursuant to W. Va. Code §19-14-10 or of section 12 of these rules.~~

~~16.3. The re-use of bags that have been adequately cleaned, so that the use of the bags is not likely to cause adulteration of the feed, is permitted.~~

§61-5-19. Certain Mammalian Proteins Prohibited in Ruminant Feed

- 19.1. Pursuant to Section 7(a)(1) or 7(a)(3) of the Act, the commissioner adopts the requirements of Title 21, Code of Federal Regulations, 589.2000

APPENDIX NUMBER 1**TABLE 61-5-A**

Charges for tests on non-official samples

Aflatoxin (screen test)	\$25.00 per sample
Ash	\$7.60 <u>\$7.80</u> per sample
Calcium	\$7.90 <u>\$8.40</u> per sample
Crude fat	\$6.30 <u>\$7.80</u> per sample
Crude fiber	\$10.10 <u>\$12.60</u> per sample
Magnesium	\$7.90 <u>\$10.80</u> per sample
Moisture - oven	\$4.40 <u>7.80</u> per sample
Phosphorus	\$12.60 per sample
Protein - Kjeldahl	\$7.30 <u>\$7.80</u> per sample
Total Digestible Nutrients	\$46.60 <u>\$49.80</u> per sample

<u>APPENDIX NUMBER 2</u> <u>FEEES OF THIS RULE</u>			
<u>TYPE OF FEE</u>	<u>SECTION REFERENCE</u>	<u>FEE</u>	<u>REGISTRATION</u>
<u>Commercial Feed Manufacturer Permit</u>	<u>4.1.1</u>	<u>\$15.00</u>	<u>ANNUAL RENEWAL – Expires December 31 next, following issue</u>
<u>Commercial Feed Distributor Permit</u>	<u>4.2.1</u>	<u>\$10.00</u>	<u>ANNUAL RENEWAL – Expires December 31 next, following issue</u>
<u>Registration - Commercial feed, other than pet food, in packages over 10 pounds or bulk.</u>	<u>4.3.1</u>	<u>\$10.00</u>	<u>REGISTERED ANNUALLY Expires December 31 next, following issue. Fee is per each product.</u>
<u>Registration - Pet food, including specialty pet foods, in packages over ten pounds or bulk.</u>	<u>4.3.1</u>	<u>\$50.00</u>	<u>REGISTERED ANNUALLY Expires August 31 next, following issue. Fee is per each product.</u>
<u>Registration - Commercial feed (excluding specialty pet food in packages of one pound or less) in packages of ten pounds and under.</u>	<u>4.3.1</u>	<u>\$40.00</u>	<u>REGISTERED ANNUALLY Expires December 31 next, following issue. Fee is per each product.</u>
<u>Registration - Specialty pet food in packages of one pound or less.</u>	<u>4.3.1</u>	<u>\$20.00</u>	<u>REGISTERED ANNUALLY Expires December 31 next, following issue. Fee is per each product.</u>
<u>Late Penalty - added to the fee for all permits or registrations that are not applied for or renewed within the time limit.</u>	<u>4.4</u>	<u>\$100.00</u>	

Appendix Number 3
Required guarantees for swine formula feeds

- a. Animal Classes
- (1) Pre-Starter – 2 to 11 pounds
 - (2) Starter – 11 to 44 pounds
 - (3) Grower – 44 to 110 pounds
 - (4) Finisher – 110 to 242 pounds (market)
 - (5) Gilts, Sows and Adult Boars
 - (6) Lactating Gilts and Sows
- b. Guaranteed Analysis for Swine Complete Feeds and Supplements (all animal classes)
- (1) Minimum percentage of Crude Protein
 - (2) Minimum percentage of Lysine
 - (3) Minimum percentage of Crude Fat
 - (4) Maximum percentage of Crude Fiber
 - (5) Minimum and maximum percentage of Calcium
 - (6) Minimum percentage of Phosphorus
 - (7) Minimum and maximum percentage of Salt (if added)
 - (8) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee
 - (9) Minimum Selenium in parts per million (ppm)
 - (10) Minimum Zinc in parts per million (ppm)

Appendix Number 4

Swine Complete and Supplement Feeds (Non-Medicated and Medicated)

BLUE BIRD SUPER PIG FEED

For Starter Pigs Weighting 11 to 44 Pounds

Guaranteed Analysis

Crude Protein (Min)	20%
Lysine (Min)	1.2%
Crude Fat (Min)	4.0%
Crude Fiber (Max)	4.0%
Calcium (Min)	0.8%
Calcium (Max)	1.3%
Phosphorus (Min)	0.65%
Salt (Min)	0.35%
Salt (Max)	0.5%
Selenium (Min)	0.3 ppm
Zinc (Min)	150 ppm

Ingredient Statement

Grain Products, Plant Protein Products, Processed Grain By-Products, Dried Whey, Calcium Lignin Sulfonate, Animal Fat, Vitamin A Supplement, D-Activated Animal Sterol (source of Vitamin D), L-Lysine, Riboflavin Supplement, Choline Chloride, Biotin, Thiamine Mononitrate, Pyridoxine Hydrochloride, Vitamin E Supplement, Menadione Sodium Bisulfite Complex (source of Vitamin K Activity), Folic Acid, Ethoxyquin (a preservative), Ground Limestone, Dicalcium Phosphate, Salt, Copper Sulfate, Manganous Oxide, Zinc Oxide, Iron Sulfate, Cobalt Carbonate, Calcium Iodate, Sodium Selenite.

Feeding Directions:

Feed as the complete ration to starter pigs weighing 11 to 44 pounds.

Manufactured By:
Blue Bird Feed Mill
City, State, Zip

NET WT 50 LB (22.67 kg)

BLUE BIRD SUPER PIG FEED**MEDICATED**

For Starter Pigs Weighting 11 to 44 Pounds.

Administer to swine in a complete feed for reduction of the incidence of cervical abscesses; treatment of bacterial enteritis (salmonellosis or necrotic enteritis caused by salmonella choleraesuis and vibronic dysentery); maintenance of weight gains in the presence of atrophic rhinitis; increased rate of weight gain and improved feed efficiency up to six weeks post-weaning.

Active Drug Ingredients

<u>Chlortetracycline</u>	<u>100 G/T</u>
<u>Sulfathiazole</u>	<u>0.011%</u>
<u>Penicillin (from Procaine Penicillin)</u>	<u>50 G/T</u>

Guaranteed Analysis

Crude Protein (Min)	20%
Lysine (Min)	1.2%
Crude Fat (Min)	4.0%
Crude Fiber (Max)	4.0%
Calcium (Min)	0.8%
Calcium (Max)	1.3%
Phosphorus (Min)	0.65%
Salt (Min)	0.35%
Salt (Max)	0.5%
Selenium (Min)	0.3 ppm
Zinc (Min)	150 ppm

Ingredient Statement

Grain Products, Plant Protein Products, Processed Grain By-Products, Dried Whey, Calcium Lignin Sulfonate, Animal Fat, Vitamin A Supplement, D-Activated Animal Sterol (source of Vitamin D), L-Lysine, Riboflavin Supplement, Choline Chloride, Biotin, Thiamine Mononitrate, Pyridoxine Hydrochloride, Vitamin E Supplement, Menadione Sodium Bisulfite Complex (source of Vitamin K Activity), Folic Acid, Ethoxyquin (a preservative), Ground Limestone, Dicalcium Phosphate, Salt, Copper Sulfate, Manganous Oxide, Zinc Oxide, Iron Sulfate, Cobalt Carbonate, Calcium Iodate, Sodium Selenite.

Feeding Directions:

Feed as the complete ration to starter pigs weighing 11 to 44 pounds.
Warning: Withdraw 7 days prior to slaughter.

Manufactured By:
Blue Bird Feed Mill
City, State, Zip

NET WT 50 LB (22.67 kg)

Appendix Number 5

Required guarantees for Formula Poultry Feeds (Broilers, Layers and Turkeys)a. Animal Classes

- (1) Layer – Chickens that are grown to Produce eggs for food, e.g., table eggs
 - (a) Starting/Growing – From day of hatch to approximately 10 weeks of age.
 - (b) Finisher – From approximately 10 weeks of age to time first egg is produced. (Approximately 20 weeks of age)
 - (c) Laying – From time first egg is laid throughout the time of egg production.
 - (d) Breeders – Chickens that produce fertile eggs for hatch replacement layers to produce eggs for food, table eggs, from time first egg is laid throughout their productive cycle.
- (2) Broilers – Chickens that are grown for human food.
 - (a) Starting/growing – From day of hatch to approximately 5 weeks of age.
 - (b) Finisher – From approximately 5 weeks of age to market, (42 to 52 days).
 - (c) Breeders – Hybrid strains of chickens whose offspring are grown for human food, (broilers), any age and either sex.
- (3) Broilers, Breeders – Chickens whose offspring are grown for human food (broilers).
 - (a) Starting/Growing – From day of hatch until approximately 10 weeks of age.
 - (b) Finishing – From approximately 10 weeks of age to time first egg is produced, approximately 20 weeks of age.
 - (c) Laying – Fertile egg producing chickens (broilers/roasters) from day of first egg throughout the time fertile eggs are produced.
- (4) Turkeys
 - (a) Starting/Growing – Turkeys that are grown for human food from day of hatch to approximately 13 weeks of age (females) and 16 weeks of age (males).
 - (b) Finisher – Turkeys that are grown for human food, females from approximately 13 weeks of age to approximately 17 weeks of age; males from 16 weeks of age to 20 weeks of age, (or desired market weight).
 - (c) Laying – Female turkeys that are producing eggs; from time first egg is produced, throughout the time they are producing eggs.
 - (d) Breeder – Turkeys that are grown to produce fertile eggs, from day of hatch to time first egg is produced (approximately 30 weeks of age), both sexes.

- (b) Guaranteed Analysis for Poultry Complete feeds and Supplements (all animal classes)
 - (1) Minimum percentage of Crude Protein
 - (2) Minimum percentage of Lysine
 - (3) Minimum percentage of Methionine
 - (4) Minimum percentage of Crude Fat
 - (5) Maximum percentage of Crude Fiber
 - (6) Minimum and maximum percentage of Calcium
 - (7) Minimum percentage of Phosphorus
 - (8) Minimum and maximum percentage of Salt (if added)
 - (9) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee

Appendix Number 6
Poultry Complete & Supplement Feeds

BLUE BIRD LAYER FEED

Complete Feed for Laying Chickens

Guaranteed Analysis

<u>Crude Protein (Min)</u>	<u>15.0%</u>
<u>Lysine (Min)</u>	<u>0.65%</u>
<u>Methionine (Min)</u>	<u>0.35%</u>
<u>Crude Fat (Min)</u>	<u>3.0%</u>
<u>Crude Fiber (Max)</u>	<u>3.5%</u>
<u>Calcium (Min)</u>	<u>3.4%</u>
<u>Calcium (Max)</u>	<u>4.4%</u>
<u>Phosphorus (Min)</u>	<u>0.6%</u>
<u>Salt (Min)</u>	<u>0.35%</u>
<u>Salt (Max)</u>	<u>0.50%</u>

Ingredient Statement

Grain Products, Plant Protein Products, Processed Grain By-Products, Animal Protein Products, Vitamin A Supplement, Vitamin D₃ Supplement, Vitamin E Supplement, Riboflavin Supplement, Niacin Supplement, Calcium Pantothenate, Choline Chloride, Folic Acid, Menadione Sodium Bisulfite Complex (source of Vitamin K Activity), Methionine Supplement, Potassium Sulfate, Calcium Carbonate, Salt, Manganous Oxide, Ferrous Sulfate, Copper Sulfate, Zinc Oxide, Ethylenediamine Dihydriodide, Sodium Selenite.

Feeding Directions:

This is a complete and balanced ration. Feed Blue Bird Layer Feed from time first egg is laid throughout the time of egg production. Always provide plenty of fresh water.

Manufactured By:
Blue Bird Feed Mill
City, State, Zip

NET WT 50 LB (22.67 kg)

Appendix Number 7
Required Guarantees for Beef Cattle Formula feeds.

- a. Animal Classes
- (1) Calves (birth to weaning)
 - (2) Cattle on Pasture (may be specific as to production stage; e.g. stocker, feeder, replacement heifers, brood cows, bulls, etc.)
 - (3) Feedlot Cattle
- b. Guaranteed analysis for Beef Complete Feeds and Supplements (all animal classes)
- (1) Minimum percentage of Crude Protein
 - (2) Maximum percentage of equivalent crude protein from Non-Protein Nitrogen (NPN) when added
 - (3) Minimum percentage of Crude Fat
 - (4) Maximum percentage of Crude Fiber
 - (5) Minimum and maximum percentage of Calcium
 - (6) Minimum percentage of Phosphorus
 - (7) Minimum and maximum percentage of Salt (if added)
 - (8) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee
 - (9) Minimum percentage of Potassium
 - (10) Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound (if added)
- c. Guaranteed analysis for Beef Mineral Feeds (if added)
- (1) Minimum and maximum percentage of Calcium
 - (2) Minimum percentage of Phosphorus
 - (3) Minimum and maximum percentage of Salt
 - (4) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee
 - (5) Minimum percentage of Magnesium
 - (6) Minimum percentage of Potassium
 - (7) Minimum Copper in parts per million (ppm)
 - (8) Minimum Selenium in parts per million (ppm)
 - (9) Minimum Zinc in parts per million (ppm)
 - (10) Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound

Appendix Number 8
Beef Complete and Supplement Feeds / Beef Mineral

BLUE BIRD BEEF FEED

Pasture Extender for Beef Cattle

Guaranteed Analysis

Crude Protein (Min) 12.0%
(This includes not more than 2.9% equivalent
crude protein from non-protein nitrogen)
Crude Fat (Min) 2.0%
Crude Fiber (Max) 10.0%
Calcium (Min) 0.5%
Calcium (Max) 1.0%
Phosphorus (Min) 0.5%
Salt (Min) 11.0%
Salt (Max) 13.2%
Potassium (Min) 0.4%
Vitamin A (Min) 10,000 IU/lb

Ingredient Statement

Grain Products, Plant Protein Products, Molasses Products,
Processed Grain By-Products, Urea, Vitamin A
Supplement, Vitamin D₃ Supplement, Vitamin E
Supplement, Calcium Carbonate, Monocalcium Phosphate,
Salt, Manganous Oxide, Ferrous Sulfate, Copper Oxide,
Magnesium Oxide, Zinc Oxide, Cobalt Carbonate,
Ethylenediamine Dihydriodide, Potassium Chloride.

Feeding Directions:

Self-feed to beef cattle on pasture. Feed 4 to 6 pounds
per head per day as a pasture extender. Provide plenty
of fresh, clean water at all times.

Caution: Use as directed. Observe cattle daily and
monitor intake. Do not feed additional salt.

Manufactured By
Blue Bird Feed Mill
City, State, Zip

NET WT 50 LB (22.67 kg)

BLUE BIRD BEEF MINERAL

Mineral for Beef Cattle on Fescue Pasture

Guaranteed Analysis

Calcium (Min) 11.0%
Calcium (Max) 13.0%
Phosphorus (Min) 6.0%
Salt (Min) 20.0%
Salt (Max) 22.0%
Magnesium (Min) 1.0%
Potassium (Min) 2.0%
Copper (Min) 460 ppm
Selenium (Min) 9 ppm
Zinc (Min) 2,300 ppm
Vitamin A (Min) 100,000 IU/lb

Ingredient Statement

Dicalcium Phosphate, Monocalcium Phosphate, Salt,
Calcium Carbonate, Potassium Chloride, Distillers Dried
Grains with Solubles, Cane Molasses, Manganous Oxide,
Ferrous Sulfate, Copper Sulfate, Magnesium Oxide, Zinc
Oxide, Ethylenediamine Dihydriodide, Cobalt Carbonate,
Iron Oxide, Sodium Selenite, Animal Fat, Vitamin A
Supplement, Vitamin D₃ Supplement, Vitamin E
Supplement, Manganese Sulfate, Mineral Oil.

Feeding Directions:

This mineral should be fed in dry, rain-protected feeder.
Place near a water source where animals gather.
Provide fresh, clean water at all times. Do not feed
additional salt.

Feed to beef cattle on fescue pasture at the rate of 4
oz./head/day.

Manufactured By:
Blue Bird Feed Mill
City, State, Zip

NET WT 50 LB (22.67 kg)

Appendix Number 9
Required Guarantees for Dairy Formula Feeds

- a. Animal Classes
- (1) Veal Milk Replacer – Milk Replacer to be fed for veal production.
 - (2) Herd Milk Replacer – Milk Replacer to be fed for herd replacement calves.
 - (3) Starter – Approximately 3 days to 3 months.
 - (4) Growing Heifers, Bulls and Dairy Beef
 - (a) Grower 1 – 3 months to 12 months of age
 - (b) Grower 2 – More than 12 months of age
 - (5) Lactating Dairy Cattle
 - (6) Non-Lactating Dairy Cattle
- b. Guaranteed Analysis for Veal and Herd Replacement Milk Replacer
- (1) Minimum percentage of Crude Protein
 - (2) Minimum percentage of Crude Fat
 - (3) Maximum percentage of Crude Fiber
 - (4) Minimum and maximum percentage of Calcium
 - (5) Minimum percentage of Phosphorus
 - (6) Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound (if added)
- c. Guaranteed Analysis for Dairy Cattle Complete Feeds and Supplements
- (1) Minimum percentage of Crude Protein
 - (2) Maximum percentage of Equivalent Crude Protein from Non-Protein Nitrogen (NPN) when added
 - (3) Minimum percentage of Crude Fat
 - (4) Maximum percentage of Crude Fiber
 - (5) Maximum percentage of Acid Detergent Fiber (ADF)
 - (6) Minimum and maximum percentage of Calcium
 - (7) Minimum percentage of Phosphorus
 - (8) Minimum Selenium in parts per million (ppm)
 - (9) Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound (if added)
- d. Required Guaranteed Analysis for Dairy Mixing and Pasture Mineral (in added)
- (1) Minimum and maximum percentage of Calcium
 - (2) Minimum percentage of Phosphorus
 - (3) Minimum and maximum percentage of Salt
 - (4) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee
 - (5) Minimum percentage of Magnesium
 - (6) Minimum percentage of Potassium
 - (7) Minimum Selenium in parts per million (ppm)
 - (8) Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound

Appendix Number 10	
Dairy Complete and Supplement Feeds / Dairy Mineral	
<p style="text-align: center;"><u>BLUE BIRD DAIRY FEED</u></p> <p style="text-align: center;"><u>Concentrate Ration for Lactating Dairy Cattle</u></p> <p style="text-align: center;"><u>Guaranteed Analysis</u></p> <p><u>Crude Protein (Min)..... 16.0%</u> <u>(This includes not more than 3.5% equivalent crude protein from non-protein nitrogen)</u></p> <p><u>Crude Fat (Min)..... 2.5%</u></p> <p><u>Crude Fiber (Max)..... 8.0%</u></p> <p><u>Acid Detergent Fiber (ADF) (Max).... 14.0%</u></p> <p><u>Calcium (Min)..... 1.0%</u></p> <p><u>Calcium (Max)..... 1.5%</u></p> <p><u>Phosphorus (Min)..... 0.75%</u></p> <p><u>Selenium (Min)..... 0.2 ppm</u></p> <p><u>Vitamin A (Min)..... 7,000 IU/lb</u></p> <p style="text-align: center;"><u>Ingredient Statement</u></p> <p><u>Grain Products, Plant Protein Products, Processed Grain By-Products, Animal Protein Products, Forage Products, Molasses Products, Dicalcium Phosphate, Urea, Mineral Oil, Vitamin A Supplement, Vitamin D₃ Supplement, Vitamin E Supplement, Ethoxyquin (a preservative), Hemicellulose Extract, Methionine Supplement, Calcium Carbonate, Salt, Manganous Oxide, Magnesium Oxide, Ferrous Sulfate, Copper Sulfate, Zinc Oxide, Potassium Chloride, Calcium Sulfate, Ethylenediamine Dihydriodide, Potassium Sulfate, Sodium Selenite, Natural and Artificial Flavors.</u></p> <p><u>Feeding Directions:</u> <u>Feed 16 pounds per head per day to a 1,200 pound cow.</u> <u>Feed 18.6 pounds per head per day to a 1,400 pound cow.</u> <u>Do not exceed 50% of the total dry matter intake from this feed.</u></p> <p style="text-align: center;"><u>Manufactured By:</u> <u>Blue Bird Feed Mill</u> <u>City, State, Zip</u></p> <p style="text-align: center;"><u>NET WT 50 LB (22.67 kg)</u></p>	<p style="text-align: center;"><u>BLUE BIRD DAIRY MINERAL</u></p> <p style="text-align: center;"><u>Mixing Mineral for Lactating Dairy Cattle</u></p> <p style="text-align: center;"><u>Guaranteed Analysis</u></p> <p><u>Calcium (Min)..... 16.5%</u></p> <p><u>Calcium (Max)..... 17.0%</u></p> <p><u>Phosphorus (Min)..... 4.5%</u></p> <p><u>Salt (Min)..... 5.5%</u></p> <p><u>Salt (Max)..... 6.5%</u></p> <p><u>Magnesium (Min)..... 5.5%</u></p> <p><u>Potassium (Min)..... 6.6%</u></p> <p><u>Selenium (Min)..... 3 ppm</u></p> <p><u>Vitamin A (Min)..... 115,000 IU/lb</u></p> <p style="text-align: center;"><u>Ingredient Statement</u></p> <p><u>Dicalcium Phosphate, Monocalcium Phosphate, Calcium Carbonate, Sodium Bicarbonate, Potassium Chloride, Salt, Cane Molasses, Vitamin A Supplement, Vitamin D₃ Supplement, Vitamin E Supplement, Vitamin B₁₂ Supplement, Riboflavin Supplement, Niacin Supplement, Choline Chloride, Folic Acid, Ethoxyquin (a preservative), Calcium Pantothenate, Menadione Sodium Bisulfite Complex, Zinc Oxide, Manganous Oxide, Magnesium Oxide, Potassium Chloride, Iron Oxide, Copper Oxide, Ferrous Sulfate, Cobalt Carbonate, Ethylenediamine Dihydriodide, Sodium Selenite, Yeast Culture, Natural and Artificial Flavors.</u></p> <p><u>Feeding Directions:</u> <u>Mix this product with grains, sources of protein, and other concentrates to prepare complete concentrated mixes for lactating dairy cows. Feed approximately 1.5 lb of Dairy Mineral on a daily basis. Provide plain white stock salt on a free-choice basis.</u></p> <p style="text-align: center;"><u>Manufactured By:</u> <u>Blue Bird Feed Mill</u> <u>City, State, Zip</u></p> <p style="text-align: center;"><u>NET WT 50 LB (22.67 kg)</u></p>

Appendix Number 11
Required Guarantees for Equine Formula Feeds

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

Appendix Number 12
Equine Complete and Supplement Feeds

BLUE BIRD 12% TEXTURED HORSE FEED

For Maintenance of Mature Horses

Guaranteed Analysis

<u>Crude Protein (Min)</u>	<u>12.0%</u>
<u>Crude Fat (Min)</u>	<u>3.0%</u>
<u>Crude Fiber (Max)</u>	<u>12.0%</u>
<u>Calcium (Min)</u>	<u>1.0%</u>
<u>Calcium (Max)</u>	<u>1.5%</u>
<u>Phosphorus (Min)</u>	<u>1.0%</u>
<u>Copper (Min)</u>	<u>20 ppm</u>
<u>Selenium (Min)</u>	<u>0.20 ppm</u>
<u>Zinc (Min)</u>	<u>40 ppm</u>
<u>Vitamin A (Min)</u>	<u>2,000 IU/lb</u>

Ingredient Statement

Grain Products, Plant Protein Products, Processed Grain By-Products, Molasses Products, Roughage Products, Vitamin A Supplement, Vitamin D₃ Supplement, Vitamin E Supplement, Vitamin B₁₂ Supplement, Riboflavin Supplement, Pyridoxine Hydrochloride, Folic Acid, Biotin, Thiamine, Calcium Carbonate, Salt, Dicalcium Phosphate, Manganous Oxide, Ferrous Sulfate, Copper Sulfate, Magnesium Oxide, Zinc Oxide, Ethylenediamine Dihydriodide, Cobalt Carbonate, Potassium Chloride, Sodium Selenite.

Feeding Directions:

Feed ½ to 1 lb of feed per 100 lbs of body weight for the maintenance of mature horses. Feed good quality hay at the rate of 1 to 2 lbs per 100 lbs body weight daily. Provide fresh, clean water at all times.

Important: Feed hay along with this ration, as per directions.

Manufactured By:
Blue Bird Feed Mill
City, State, Zip

NET WT 50 LB (22.67 kg)

Appendix Number 13
Required Guarantees for Goat and Sheep Formula Feeds

- a. Animal Classes
- (1) Starter
 - (2) Grower
 - (3) Finisher
 - (4) Breeder
 - (5) Lactating
- b. Guaranteed Analysis for Goat and Sheep Complete Feeds and Supplements (all animal classes)
- (1) Minimum percentage of Crude Protein
 - (2) Maximum percentage of equivalent crude protein from Non-Protein Nitrogen (NPN) when added
 - (3) Minimum percentage of Crude Fat
 - (4) Maximum percentage of Crude Fiber
 - (5) Minimum and maximum percentage of Calcium
 - (6) Minimum percentage of Phosphorus
 - (7) Minimum and maximum percentage of Salt (if added)
 - (8) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee
 - (9) Minimum and maximum Copper in parts per million (ppm) (if added, or if total copper exceeds 20 ppm)
 - (10) Minimum Selenium in parts per million (ppm)
 - (11) Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound (if added)

Appendix Number 14
Required Guarantees for Duck and Geese Formula Feeds.

- a. Animal Classes
- (1) Ducks
- (a) Starter – 0 to 3 weeks of age
- (b) Grower – 3 to 6 weeks of age
- (c) Finisher – 6 weeks to market
- (d) Breeder Developer – 8 to 19 weeks of age
- (e) Breeder – 22 weeks to end of lay
- (2) Geese
- (a) Starter – 0 to 4 weeks of age
- (b) Grower – 4 to 8 weeks of age
- (c) Finisher – 8 weeks to market
- (d) Breeder Developer – 10 to 22 weeks of age
- (e) Breeder – 22 weeks to end of lay
- b. Guaranteed Analysis for Duck and Geese Complete Feeds and Supplements (for all animal classes)
- (1) Minimum percentage of Crude Protein
- (2) Minimum percentage of Crude Fat
- (3) Maximum percentage of Crude Fiber
- (4) Minimum and maximum percentage of Calcium
- (5) Minimum percentage of Phosphorus
- (6) Minimum and maximum percentage of Salt (if added)
- (7) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee

Appendix Number 15
Required Guarantees for Fish Complete Feeds and Supplements

- a. Animal Species shall be declared in lieu of animal class
- (1) Trout
- (2) Catfish
- (3) Species other than trout or catfish
- b. Guaranteed analysis for all Fish Complete Feeds and Supplements
- (1) Minimum percentage of Crude Protein
- (2) Minimum percentage of Crude Fat
- (3) Maximum percentage of Crude Fiber
- (4) Minimum percentage of Phosphorus

Appendix Number 16
Required Guarantees for Rabbit Complete Feeds and Supplements

- a. Animal Classes
 - (1) Grower – 4 to 12 weeks of age
 - (2) Breeder – 12 weeks of age and over
- b. Guaranteed analysis for Rabbit Complete Feeds and Supplements (all animal classes)
 - (1) Minimum percentage of Crude Protein
 - (2) Minimum percentage of Crude Fat
 - (3) Minimum and maximum percentage of Crude Fiber (the maximum crude fiber shall not exceed the minimum by more than 5.0 units)
 - (4) Minimum and maximum percentage of Calcium
 - (5) Minimum percentage of Phosphorus
 - (6) Minimum and maximum percentage of Salt (if added)
 - (7) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee
 - (8) Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound (if added)

Appendix Number 17

The required guarantees of **grain mixtures with or without molasses and feeds other than those described in Appendices 3, 5, 7, 9, 11, 13, 14, 15 and 16 shall include the following items, unless exempted in Part 7.1.a.3.A.1., in the order listed:**

- a. Animal class(es) and species for which the product is intended.
- b. Guaranteed analysis
 - (1) Minimum percentage of Crude Protein
 - (2) Maximum or minimum percentage of equivalent Crude Protein from Non-Protein Nitrogen as required in Section 8.5.
 - (3) Minimum percentage of Crude Fat
 - (4) Maximum percentage of Crude Fiber
 - (5) Minerals in formula feeds, to include in the following order:
 - (a) Minimum and maximum percentage of Calcium
 - (b) Minimum percentage of Phosphorus
 - (c) Minimum and maximum percentage of Salt (if added)
 - (d) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee
 - (e) Other Minerals
 - (6) Minerals in feed ingredients – as specified by the official definitions of the Association of American Feed Control Officials
 - (7) Vitamins in such terms as specified in Section 8.3.
 - (8) Total sugars as invert on dried molasses products or products being sold primarily for their sugar content
 - (9) Viable lactic acid producing microorganisms for use in silages in terms specified in Section 8.7.
 - (10) A commercial feed (e.g. vitamin/mineral premix, base mix, etc.)intended to provide a specialized nutritional source for use in the manufacture of other feeds, must state its intended purpose and guarantee those nutrients relevant to such stated purpose. Article II of AAFCO’s “Criteria for Labeling Nutritional Indicators” is not applicable to the label guarantees for these specialized commercial feeds.

