

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE

PROPOSED CHANGES IN THE REGULATIONS

**DEFINING AFLATOXINS
COMMERCIAL FEED MANUFACTURERS AND DISTRIBUTORS**

CALIFORNIA CODE OF REGULATIONS
TITLE 3. FOOD AND AGRICULTURE
DIVISION 4. PLANT INDUSTRY
CHAPTER 2. FIELD CROPS
SUBCHAPTER 2. COMMERCIAL FEED
ARTICLE 1. DEFINITIONS AND ARTICLE 9. MISBRANDING ADULTERATION

The Department of Food and Agriculture, Feed, Fertilizer, Livestock Drug and Egg Regulatory Services Branch, proposes to amend Sections 2675, 2734 and 2735 of Title 3 of the California Code of Regulations to read as follows:

Amend Section 2675, adding new subsection (i):

§ **2675**. Definitions

[No change to first sentence and subsections (a) through (h)]

(i) "Aflatoxins" means aflatoxin B₁, aflatoxin B₂, aflatoxin G₁ and aflatoxin G₂, collectively.

Authority: Sections 407 and 14902, Food and Agricultural Code.

Reference: Sections 14925, 14991, 14992(e), 15011, and 15042, Food and Agricultural Code.

Amend Section 2734, subsection (a)(6):

§ **2734**. Adulteration

A commercial feed shall be deemed to be adulterated:

- (a) (1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such commercial feed shall not be considered adulterated under this subsection if the quantity of such substance in such commercial feed does not render it injurious to health: or
- (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 (other than one which is (i) a

- pesticide chemical in or on a raw agricultural commodity; or (ii) a food additive); or
- (3) If it is, or it bears or contains any food additive which is unsafe within the meaning of section 409 of the Food, Drug, and Cosmetic Act; or
 - (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: Provided that where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or a tolerance prescribed under section 408 of the Federal Food, Drug, and Cosmetic Act and such raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating, or milling, the residue of such pesticide chemical remaining in or on such processed feed shall not be deemed unsafe if such residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and the concentration of such residue in the processed feed is not greater than the tolerance prescribed for the raw agricultural commodity unless the feeding of such processed feed will result or is likely to result in a pesticide residue in the edible product of the animal, which is unsafe within the meaning of section 408(a) of the Federal Food, Drug, and Cosmetic Act.
 - (5) If it is, or it bears or contains any color additive which is unsafe with the meaning of section 721 of the Federal Food, Drug, and Cosmetic Act.
 - (6) If it contains more than 20 parts per billion Aflatoxins B₁ ~~except as provided in Section 2735(e).~~
- (b) The use or intended use in ruminant feed of any material that contains protein derived from prohibited mammalian tissues causes the feed to be adulterated and in violation of the Food and Agricultural Code.

Authority: Sections 407 and 14902, Food and Agricultural Code.

Reference: Sections 15011 and 1504, Food and Agricultural Code.

Amend Section 2735, first sentence and subsections (a), (b) and (d) and repeal subsection (e):

§ 2735. Supplemental Cottonseed Product Controls.

This section supplements the control of cottonseed products to ensure that these products meet the tolerance for aflatoxins B₁, established in Section 2734(a)(6).

- (a) Each lot, or truck, railcar, ship, barge, container, air transport, or any other means of transportation of cottonseed products originating outside of California, as a condition of entry into California, shall be accompanied by the following:
 - (1) A completed form furnished by the secretary (Certificate of Movement of Cottonseed Products, Rev. ~~5-97~~ 12-09), incorporated by reference, stating the origin and destination of the cottonseed products.
 - (2) An analysis certificate reporting the results of sampling and laboratory testing for aflatoxins B₁, showing compliance with the aflatoxins B₁ tolerances stated

in Section 2734(a)(6), the name of the testing laboratory, and the testing laboratory report number representing the lot of cottonseed products identified on the certificate.

- (3) A label with guaranteed analysis that complies with Section 2694 and Section 2783.
- (b) Shipment of cottonseed products which do not meet the tolerance for aflatoxins B_4 established in Section 2734(a)(6), shall be refused entry into California, except for entry for transportation to a site operating under authority of the secretary for aflatoxin detoxification or oil extraction, with the exception of products intended for export or non-feed usage, ~~or exempted by subsection (e) of this section.~~
- (c) Documentation for all shipments, originating outside of California, by railcar, truck, ship, barge, container, or air transportation, with the exception of products intended for export or non-feed usage, shall be mailed to the Department on or before the shipment date and documents shall be affixed to, or accompany the lot to the purchaser. All truck shipments shall submit to inspection at California border stations and a copy of all required documentation shall accompany the lot to the purchaser. Failure to obtain such document inspection, or diversion after document inspection shall be grounds for seizure and quarantine of the shipment.
- (d) Cottonseed products originating in Riverside and Imperial counties of California shall move only to a detoxification or oil extraction site approved by the secretary, unless the products are certified by laboratory testing showing that the product is within the tolerance for aflatoxins B_4 established in Section 2734(a)(6). Such laboratory certifications shall be affixed to, or accompany the lot to the purchaser.
- ~~(e) Cottonseed meal exceeding the 20 ppb tolerance for aflatoxin B_1 , but below the federal action level for aflatoxin B_1 of 300 ppb may be fed to beef cattle in Imperial County under the following conditions:
 - (1) Shipments into Imperial County shall be made by sealed trailer or sealed railcar.
 - (2) All cottonseed meal entering Imperial County that exceeds 20 ppb tolerance for aflatoxin B_1 but below the federal action level for aflatoxin B_1 of 300 ppb shall be accompanied by an analysis certificate showing the results of laboratory sampling and testing, as required by Section 2735(a).
 - (3) All Imperial County beef cattle feedlots receiving shipments of cottonseed meal, meeting the requirements of Section 2735(e), shall sign the Certificate of Movement on Cottonseed Products and return it, as required by Section 2735(b), to the Department of Food and Agriculture, Division of Inspection Services, 1220 N Street, Sacramento, California, 95814.
 - (4) Once delivered to a beef cattle feedlot in Imperial County, cottonseed meal exceeding the 20 ppb tolerance for aflatoxin B_1 but below the federal action level for aflatoxin B_1 of 300 ppb shall not be removed from the feedlot premises except for testing purposes.
 - (5) It is a violation of Sections 15071, 15071.5 and 15072, Food and Agricultural Code, for any person to distribute, sell or transport or otherwise remove cottonseed meal exceeding the 20 ppb tolerance for aflatoxin B_4 but below the federal action level for aflatoxin B_4 of 300 ppb from a beef cattle feedlot in Imperial County.~~

Authority: Sections 407 and 14902, Food and Agricultural Code.

Reference: Sections 15041, 15071, 15071.5, 15072, and 15073, Food and Agricultural Code.