



CALIFORNIA DEPARTMENT OF  
FOOD & AGRICULTURE

Karen Ross, Secretary

April 20, 2023

## NOTICE TO COMMERCIAL FEED INDUSTRY

California has received a high precipitation year and widespread flooding, which creates the potential for damaged feed and high moisture feed. The Commercial Feed Regulatory Program (CFRP) would like to notify all parties involved in the sale or distribution of feed, including transloading, that **you are required to notify the program if you are in possession of damaged feed** per Title 3 of the California Code of Regulations (3 CCR) Section 2760 (b). If the program is not notified and we come across damaged feed in your possession enforcement action will be taken. See Attachment 1 for regulations.

As a reminder, 3 CCR Section 2694(l) states maximum percentage of **moisture or minimum percentage dry matter shall be guaranteed when moisture exceeds 15.0 percent. The definitions for Whole Cottonseed, Prime Whole Cottonseed, and Almond Hulls further require that moisture shall not exceed 13.0 percent.** If the moisture exceeds the level allowed in the definitions for whole cottonseed and almond hulls, the product must be labeled as "high-moisture whole cottonseed" or "high-moisture almond hulls," along with the moisture maximum guarantee. See Attachment 1 for example labels.

The CFRP will follow up on any complaints of damaged feed within the state of California and take regulatory action as needed. To file a complaint, you may use the online form found on our website: <https://www.cdfa.ca.gov/is/ffldrs/CommercialFeedComplaints.html>, email your complaint to [feed\\_lvstk@cdfa.ca.gov](mailto:feed_lvstk@cdfa.ca.gov), or contact our field supervisor Mike Davidson at (209) 649-3682 or our compliance officer Ted Bert at (559) 246-0753.

ORIGINAL SIGNED BY JENNA LEAL

Jenna Leal, Environmental Program Manager I

Attachment 1



## Attachment 1

### California Commercial Feed Regulatory Program Damaged Feed Notice to Industry

#### **All regulation sections listed below can be found in the California Code of Regulations Title 3.**

##### **§2760. Damaged Feed.**

(a) Damaged feed shall be deemed adulterated and unlawful for sale except under permit of the director. Feed shall be deemed damaged when it or any ingredient has been affected by smoke, heat, water, mold, or contamination by any foreign substance to such an extent as to affect the nutritive value, therapeutic value, palatability, or wholesomeness of the feed.

(b) Any person in possession of damaged feed shall notify the director as soon as practicable after the event causing the damage and shall withhold use of the damaged feed until approved by the director. Within 5 working days of receipt of notification, except in emergency conditions, the director will make such inquiry and tests as he deems necessary, or may require the person in possession to demonstrate the extent of damage by sampling, testing, and other procedures as the director deems necessary.

(c) If the director determines that the damaged feed is suitable for use as commercial feed without restriction, he shall so notify the person in possession. Such feed shall not be deemed adulterated.

(d) If the director finds that the damaged feed should be permitted to be used only upon certain conditions, including reconditioning and special labeling, he may issue a permit to the person in possession for such use, requiring such conditions to be met, and may require protective controls and reports as he deems necessary.

(e) If the director determines that the feed is damaged to such an extent as to be unsuitable for use as commercial feed, he shall require the person in possession to destroy the feed or dispose of it in such a manner that it cannot be used as feed and may require controls and reports as he deems necessary.

(f) The director will require that all damaged feed containing drugs be disposed of as provided in subsection (e) and it is unlawful to sell or use such damaged feed.

##### **§ 2783. Cottonseed Products.**

(j) Whole cottonseed is seed remaining after removal of fiber in the ginning process. It shall contain not more than 15.0 percent free fatty acids in the oil. It shall contain not more than 13.0 percent moisture and not more than 2.0 percent foreign material. It shall be labeled to include the maximum percent ash.

(k) Prime whole cottonseed is seed remaining after the removal of fiber in the ginning process. It shall contain not more than 3.0 percent free fatty acids in the oil. It shall contain not more than 13.0 percent moisture and not more than 2.0 percent foreign material. It shall be labeled to include the maximum percent ash.

##### **§ 2773.5. Almond Hull Products.**

(a) Almond hulls are obtained by drying that portion of the almond fruit which surrounds the nut. They shall not contain more than 13.0 percent moisture, nor more than 15.0

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percent crude fiber, and not more than 9.0 percent ash. If they contain more than 15.0 percent but less than 29.0 percent crude fiber, they shall be labeled "Almond Hull and Shell," and the maximum percent of crude fiber shall be stated. If the crude fiber exceeds 29.0 percent, the product shall be labeled "Almond Shell." If the ash exceeds 9.0 percent, the term "and dirt" shall be included in the product name. Almond hull products shall be free of foreign material, including plastic, glass, and metal except in such trace amounts as unavoidably occur in good manufacturing practices.

#### **The following labeling is required for High Moisture or Damaged product:**

##### **Almond Hulls Example Labels**

*Damaged due to mold or heating in the stack but not above 13.0 percent moisture*

##### **Damaged Almond Hulls**

Crude Protein, minimum.....	3.5%
Crude Fat, minimum.....	1.5%
Crude Fiber, maximum.....	15.0%
Ash, maximum.....	9.0%
Moisture, maximum.....	13.0%

Name and Address of Manufacturer or Guarantor

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*Damaged due to mold or heating in the stack and above 13.0 percent moisture*

##### **Damaged High Moisture Almond Hulls**

Crude Protein, minimum.....	3.5%
Crude Fat, minimum.....	1.5%
Crude Fiber, maximum.....	15.0%
Ash, maximum.....	9.0%
Moisture, maximum.....	25.0%

Name and Address of Manufacturer or Guarantor

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*Above 13.0 percent moisture and not damaged due to mold or heating in the stack*

##### **High Moisture Almond Hulls**

Crude Protein, minimum.....	3.5%
Crude Fat, minimum.....	1.5%
Crude Fiber, maximum.....	15.0%
Ash, maximum.....	9.0%
Moisture, maximum.....	25.0%

Name and Address of Manufacturer or Guarantor

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#### **Cottonseed Example Labels**

*Damaged due to mold or heating in the stack but not above 13.0 percent moisture*

##### **Damaged Cottonseed**

Crude Protein, minimum.....XX.0%  
Crude Fat, minimum.....XX.0%  
Crude Fat, maximum.....XX.0%  
Ash, maximum.....XX.0%  
Free Fatty Acids in the oil, maximum.....X.0%  
Moisture, minimum.....XX.0%

Name and Address of Manufacturer or Guarantor

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*Damaged due to mold or heating in the stack and above 13.0 percent moisture*

##### **Damaged High Moisture Cottonseed**

Crude Protein, minimum.....XX.0%  
Crude Fat, minimum.....XX.0%  
Crude Fat, maximum.....XX.0%  
Ash, maximum.....XX.0%  
Free Fatty Acids in the oil, maximum.....X.0%  
Moisture, minimum.....XX.0%

Name and Address of Manufacturer or Guarantor

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*Above 13.0 percent moisture and not damaged due to mold or heating in the stack*

##### **High Moisture Cottonseed**

Crude Protein, minimum.....XX.X%  
Crude Fat, minimum.....XX.0%  
Crude Fat, maximum.....XX.0%  
Ash, maximum.....XX.0%  
Free Fatty Acids in the oil, maximum.....X.0%  
Moisture, minimum.....XX.0%

Name and Address of Manufacturer or Guarantor