

603-058-0110 - Definitions

In addition to the definitions set forth in ORS 633.006, and unless the context requires otherwise, the following shall apply to ORS 633.015 to 633.089 and OAR 603-058-0110 to 603-058-0290:

- (1) "AAFCO Official Publication" means the 2025 edition of the Official Publication of the Association of American Feed Control Officials (AAFCO).
- ~~(32) "Consultant-Formulated" feed means commercial feed manufactured for a final purchaser based upon formula and/or specifications developed for the feed purchaser by an independent consultant or feed manufacturer.~~
- ~~(23) "Director" means the Director of the Oregon Department of Agriculture.~~
- ~~(1) "Medicated Feed" means a commercial feed in combination with a drug, as defined in subsection (10) of ORS 633.006.~~
- ~~(2) "Director" means the Director of the Oregon Department of Agriculture.~~
- ~~(3) "Consultant-Formulated" feed means commercial feed manufactured for a final purchaser based upon formula and/or specifications developed for the feed purchaser by an independent consultant or feed manufacturer.~~
- (4) "Independent consultant" means any person who provides animal nutritional formulation to a feed purchaser as a service rather than the sale of feed.
- (5) "Labeling" means all labels and other written or graphic materials in print or electronic form,
 - (a) upon a product or any of its containers for wrappers, or
 - (b) accompanying or promoting such product.
- ~~(66) "Lot identifier" means a unique identifier for each lot, batch or production run that enables the manufacturer to accurately trace the complete manufacturing and distribution history of the product. A lot identifier is an individual lot, batch or production run number, code, date, or other suitable identification applied to the label, container, or package. In the case of bulk feed the lot identifier is on a label, invoice, or shipping document accompanying the feed.~~
- ~~(47) "Medicated Ffeed" means a commercial feed in combination with a drug; as defined in subsection (10) of ORS 633.006.~~

(58) ~~"Principal Display Panel"~~ "Principal Display Panel" means the out-facing side of the feed tag, or if no tag, the part of the label that is most likely to be displayed, presented, shown or examined under normal or customary conditions of sale.

(9) "Product" means an item readily distinguishable from any other item by its content, formula, formulation, brand name, trade name, manufacturer, use as specified in labeling, or other distinction, but not including packaging size or quantity.

(10) "Repeat violation" means the same or similar violation by a person for which the Department has pursued an enforcement action, including alternative enforcement actions such as a letter of advisement, within the past five years, including a violation which is the subject of a pending appeal, but not including a violation addressed in an order that has been withdrawn or successfully appealed. Without limiting the foregoing, a person's failure to register a veterinary commercial feed product after receiving a letter of advisement regarding nonregistration of a different veterinary commercial feed product, or a person's sale of an unregistered product after receiving a letter of advisement regarding the sale of a different unregistered product, shall be considered a repeat violation.

~~(6) "Lot identifier" means a unique identifier for each lot, batch or production run that enables the manufacturer to accurately trace the complete manufacturing and distribution history of the product. A lot identifier is an individual lot, batch or production run number, code, date, or other suitable identification applied to the label, container, or package. In the case of bulk feed the lot identifier is on a label, invoice, or shipping document accompanying the feed.~~

Statutory/Other Authority: ORS 633.055 & 633.067 ~~633.006-089, 633.992, 561.605 & 561.620~~

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

Existing Rule: <https://secure.sos.state.or.us/oard/view.action?ruleNumber=603-058-0110>

603-058-0115 - Ingredient Names

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

(a1) As listed in chapter 6 of the ~~2024 edition of the Official Publication of the Association of American Feed Control Officials (AAFCO)~~ AAFCO Official Publication; or

(b2) As listed in the Code of Federal Regulations, Title 21 effective as of the date these rules are promulgated; or

(c3) Common foods marketed prior to 1958 which are commercially available and suitable for use in animal food but are not defined by OAR 603-058-0116 (1), including but not limited to certain whole seeds, vegetables, or fruits. Common food for animals may include common human foods that are known to be safe for the intended use in animal food.

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

(a) 3-nitrooxypropanol

(A) Common/alternative names: Bovaer

(B) Approved Species: Lactating dairy cows

(b) Bromoform (CHBr₃)

(A) Common/alternative names: tribromomethane, trimethylbromide

(B) Approved Species: Ruminating beef cattle and non-lactating dairy cattle

(C) Limitations: Not to exceed 20ppm in diets to not exceed 0.4mg per kg of body weight per day.

(c) *Butyrivibrio fibrisolvens* ASCUSDY19 Fermentation Product

(A) Common/alternative names: Dried *Butyrivibrio fibrisolvens* ASCUSDY19
Fermentation Product

(B) Approved Species: Lactating dairy cows

(bd) Chondroitin Sulphate

(A) Common/alternate names: Chondroitin

(B) Approved Species: Horses not intended for food

(e) *Clostridium beijerinckii* ASCUSDY20 Fermentation Product

(A) Common/alternative names: Dried *Clostridium beijerinckii* ASCUSDY20
Fermentation Product

(B) Approved Species: Lactating dairy cows

(ef) Collagen hydrolysate

(A) Common/alternate names: Hydrolyzed collagen

(B) Approved Species: Horses not intended for food

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

(dg) Glucosamine sulphate

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

(B) Approved Species: Horses not intended for food

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

(eh) Methyl sulfonyl methane

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

(B) Approved Species: Horses not intended for food

(i) *Pichia kudriavzevii* ASCUSDY21 Fermentation Product

(A) Common/alternative names: Dried *Pichia kudriavzevii* ASCUSDY20 Fermentation
Product

(B) Approved Species: Lactating dairy cows

(j) *Ruminococcus bovis* ASCUSDY21 Fermentation Product

(A) Common/alternative names: Dried *Ruminococcus bovis* ASCUSDY20
Fermentation Product

(B) Approved Species: Lactating dairy cows

(fk) Sodium hyaluronate

(A) Common/alternate names: Hyaluronic acid

(B) Approved Species: Horses not intended for food

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

Statutory/Other Authority: ~~663~~633.055

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

Existing Rule: <https://secure.sos.state.or.us/oard/view.action?ruleNumber=603-058-0115>

603-058-0116 - Ingredient Definitions

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

- (1) As listed in chapter 6 of the ~~2024 edition of the Official Publication of the Association of American Feed Control Officials (AAFCO)~~ AAFCO Official Publication; or
- (2) As listed in the Code of Federal Regulations, Title 21 effective as of the date these rules are promulgated; or
- (3) An ingredient name and definition designated by the Department in OAR 603-058-0115.

Statutory/Other Authority: ~~ORS 663.067 & 633.055 & 633.067~~

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

Existing Rule: <https://secure.sos.state.or.us/oard/view.action?ruleNumber=603-058-0116>

603-058-0117 - Feed Terms

For the purposes of ORS 633.006 to 633.089, & 633.992, and OAR 603-058-110 to 603-058-290 the feed terms used in reference to commercial feed ingredients shall be those found in chapter 6 of the 2024 edition of the Official Publication of the Association of American Feed Control Officials (AAFCO) AAFCO Official Publication.

Statutory/Other Authority: ~~ORS 663.067~~ & 633.055 & 633.067

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

Existing Rule: <https://secure.sos.state.or.us/oard/view.action?ruleNumber=603-058-0117>

603-058-0250 -- ~~Feed Product Registration Fee~~Registration and Fees

(1) Each commercial feed product manufactured, compounded, delivered, distributed, or exposed for sale in this state must be registered annually using a form provided by the department, and including the following information in addition to any other information requested by the Department:

(a) The complete product name as it appears on the product labeling including, if applicable, the unique brand, formulation, and/or concentration of the product.

(b) Each Universal Product Code (UPC) displayed on labeling. If multiple UPCs are utilized by a single product, a description of distinguishing factors (distributor, package size, etc) between each UPC must also be included.

(c) The complete product label bearing all information required in ORS 633.026, OAR 603-058-0120 and 603-058-0130

(2) The annual registration fee for each commercial feed product is \$40.

~~(3) The annual registration fee for each formula, product or formulation of commercial feed under each brand shall be \$40, which fee is payable at the time an application for registration is made to the Department. A firm must hold a manufacturing license or non-manufacturing license issued under ORS 633.029 to register feed products.~~

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

Statutes/Other Implemented: ORS 633.006-089

Existing Rule: <https://secure.sos.state.or.us/oard/view.action?ruleNumber=603-058-0250>

603-058-0300 – Enforcement Guidelines (New)

- (1) The Department may use alternative enforcement actions in addition to, or instead of, assessing a civil penalty. Alternative enforcement actions may include but are not limited to: a letter of advisement; a notice of violation; a withdrawal from distribution order; and license/registration revocation, suspension or denial.
- (2) In addition to any other penalty provided by law, the Director may assess civil penalties for commission of acts prohibited by ORS 633.006 to 633.089, OAR 603-058-0110 to 603-058-0290, or any order issued under those authorities. Civil penalties will be assessed in accordance with the magnitude of the violation. Prohibited acts are categorized by magnitude of violation as follows:
 - (a) Category 1: In addition to taking any alternative enforcement action deemed necessary to protect the public interest, the Department will issue a civil penalty for a Category 1 violation. Category 1 violations include:
 - (A) Registering or attempting to register any product using fraudulent or deceptive practices in an effort to evade or attempt to evade the requirement of ORS 633.006 to 633.089 or rules adopted there-under;
 - (B) Submitting false or fraudulent applications, records, invoices or reports; and
 - (C) Impeding, obstructing, hindering or otherwise preventing or attempting to prevent the Department from performing its duties under ORS 633.006-633.089.
 - (D) Selling, offering for sale, or distributing a commercial feed that is adulterated under ORS 633.045(1)-(2), 633.045(5)-(6), or OAR 603-058-0200(3)-(4).
 - (E) Selling, offering for sale, distributing, or otherwise disposing of a commercial feed subject to a written withdrawal from distribution order issued under ORS 633.088.
 - (b) Category 2: In addition to taking any alternative enforcement action deemed necessary to protect the public interest, the Department may issue a civil penalty for a Category 2 violation. Category 2 violations include:
 - (A) Operating an animal feed manufacturing plant, distributing commercial feeds other than at retail, distributing custom mixed feed, or repackaging or relabeling a commercial feed manufactured by another person without a license issued by the Department under ORS 633.029.
 - (B) Making any false or misleading representation in connection with the sale, offer for sale, or distribution of a commercial feed.

(C) Selling, offering for sale, or distributing a commercial feed that is misbranded under ORS 633.055.

(D) Selling, offering for sale, or distributing a commercial feed that is adulterated under ORS 633.045(3)-(4), 633.045(7), or OAR 603-058-0200(1)-(2).

(c) Category 3: Except for a repeat violation, for which the Department may immediately issue a civil penalty, prior to issuing a civil penalty for a Category 3 violation, the Department will take written alternative enforcement action and will allow a specified amount of time to take corrective action. Failure to complete the corrective action within the specified time period or repeat violations may result in the immediate issuance of a civil penalty. Category 3 violations include:

(A) Selling, offering for sale, or distributing a commercial feed product that is not registered with the Department under ORS 633.015.

(B) Failing, refusing, or neglecting to pay registration fees required under ORS 633.015.

(3) (a) Maximum civil penalties are not to exceed the following:

Category — 1st Violation — 2nd Violation — 3rd Violation.

Category 1 — \$1,000 — \$3,000 — \$10,000

Category 2 — \$500 — \$1,500 — \$5,000.

Category 3 — \$250 — \$750 — \$2,500.

(b) In determining whether a violation is first, second, or third violation, the Department will focus on the nature of the actions and not the specific product involved, and may consider a subsequent failure to register a product or a subsequent sale of an unregistered product, even if a different product than involved in the earlier violation, a second or third violation.

(4) Notwithstanding sections (2) and (3) of this rule, any violation that arises from gross negligence or willful misconduct and results in substantial harm to human health, animal health, or the environment may be subject to a civil penalty of not more than \$10,000 for the initial violation or any subsequent violation. In the context of the acts prohibited in this section, “refusing” constitutes willful misconduct that is subject to a civil penalty of not more than \$10,000 for the initial violation or any subsequent violation.

Statutory/Other Authority: SB 832 (2025)

Statutes/Other Implemented: ORS 633.006 through 633.088

Existing Rule: <https://secure.sos.state.or.us/oard/view.action?ruleNumber=603-058-0300>