



## **NOTICE OF PUBLIC RULEMAKING HEARING**

### **FOR AMENDMENTS TO**

**“Rules for Commercial Feed Under the Colorado Feed Law, Sections 35-60-101 through 115, C.R.S.”**

### **8 CCR 1202-6, Parts 2, 4, 7, 9, 10, 13, and 17.10**

Notice is hereby given pursuant to § 24-4-103 C.R.S. that the Department of Agriculture will hold a public rulemaking hearing:

DATE: September 30, 2022  
TIME: 11:00 am  
LOCATION: This hearing will be held via [Zoom](#)  
CALL INFORMATION: 1-719-359-4580  
MEETING ID: 867 9729 8602  
PASSCODE: 342732

In order to maintain a proper hearing record you are encouraged to pre-register by completing this [Google form](#). If you do not have access to Google you may send your name and telephone number to [Jenifer.Gurr@state.co.us](mailto:Jenifer.Gurr@state.co.us)  
Pre-registration is not required to participate in the hearing.

The purpose of this rulemaking is to update the references to the 2022 publication of the Association of American Feed Control Officials.

The statutory authority for these rules is §35-60-109(1), C.R.S.

Any interested party may file written comment with the Commissioner's office prior to the hearing, or present at the aforementioned hearing written data, views or arguments. Emailed comments should be sent to the hearing officer at [Jenifer.Gurr@state.co.us](mailto:Jenifer.Gurr@state.co.us). A copy of the proposed rule is available on the Department of Agriculture's website at [www.colorado.gov/ag](http://www.colorado.gov/ag) or may be obtained by calling 303-869-9002. The proposed rule shall be available for public inspection at the Colorado Department of Agriculture at 305 Interlocken Parkway, Broomfield, Colorado during regular business hours.



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## DEPARTMENT OF AGRICULTURE

### Inspection and Consumer Services Division

#### RULES FOR COMMERCIAL FEED UNDER THE COLORADO FEED LAW, SECTIONS 35-60-101 THROUGH 115, C.R.S.

#### 8 CCR 1202-6

##### Part 2. Definitions and Terms

- 2.1. The Official Publication of the Association of American Feed Control Officials, Inc. shall mean the ~~2017~~2022 Official Publication of the Association of American Feed Control Officials, Inc. ("AAFCO"), effective January 1, ~~2017~~2023. This rule incorporates by reference the AAFCO standards and guidelines. A copy of the Official Publication of the Association of American Feed Control Officials, Inc. shall be kept on file at the Department of Agriculture, located at 305 Interlocken Parkway, Broomfield, Colorado 80021, and shall be open to public inspection, and available for copying, during normal business hours. A copy of the official publication shall also be kept at the AAFCO Headquarters Office, located at 1800 S. Oak Street, Suite 100, Champaign, IL 61820-6974 and is available online at <https://www.aafco.org/Publications>. This, and any other material that is incorporated by reference, may be examined at any state publications depository library.
- 2.2. These Rules incorporate the Official Feed Terms as published in the ~~2017~~2022 Official Publication of AAFCO, incorporated herein by reference (later amendments not included), except as the Commissioner designates otherwise in specific cases.
- 2.3. The following commodities are hereby declared exempt from the definition of commercial feed, under the provisions of Section 35-60-102(2), C.R.S., of the Colorado Feed Law, when unground and when not mixed or intermixed with other materials: raw meat, individual chemical compounds, hay, loose salt, straw, stover, silage, cobs, husks, and hulls; provided that these commodities are not adulterated within the meaning of Section 35-60-107, C.R.S., of the Colorado Feed Law. The exemption from the definition of commercial feed does not apply to an otherwise exempted commodity that bears a label listing nutritional claims or guarantees.

##### Part 4. Label Information.

- 4.1. Commercial feed, other than customer-formula feed, shall be labeled with the information prescribed in this section.
  - 4.1.1. Product name and brand name if any.
    - 4.1.1.1. The brand or product name must be appropriate for the intended use of the feed and must not be misleading. If the name indicates the feed is made for a specific use, the character of the feed must conform therewith. A commercial feed for a particular animal class, must be suitable for that purpose.
    - 4.1.1.2. Commercial, registered brand or trade names are not permitted in guarantees or ingredient listings and only in the product name of feeds produced by or for the firm holding the rights to such a name.
    - 4.1.1.3. The name of a commercial feed shall not be derived from one or more ingredients of a mixture to the exclusion of other ingredients and shall not be one

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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.

4.1.1.4. The word “protein” shall not be permitted in the product name of a feed that contains added non-protein nitrogen.

4.1.1.5. 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 other percentage values may be permitted if they are followed by the proper description and conform to good labeling practice. Digital numbers shall not be used in such a manner as to be misleading or confusing to the customer.

4.1.1.6. Single ingredient feeds shall have a product name in accordance with the designated definition of feed ingredients as recognized by AAFCO unless the Commissioner designates otherwise.

4.1.1.7. The word “vitamin”, or a contraction thereof, or any word suggesting vitamin can be used only in the name of a feed which is represented to be a vitamin supplement, and which is labeled with the minimum content of each vitamin declared, as specified in Part 5.3 .

4.1.1.8. The term “mineralized” shall not be used in the name of a feed except for “TRACE MINERALIZED SALT”. When so used, the product must contain significant amounts of trace minerals which are recognized as essential for animal nutrition.

4.1.1.9. The term “meat” and “meat by-products” shall be qualified to designate the animal from which the meat and meat by-products is derived unless the meat and meat by-products are made from cattle, swine, sheep and goats.

4.1.2. If a drug is used:

4.1.2.1. 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.

4.1.2.2. Purpose statement as required in Part 4.1.3.

4.1.2.3. The purpose of medication (claim statement).

4.1.2.4. An active ingredient statement listing the active drug ingredients by their established name and the amounts in accordance with Part 5.4.

4.1.3. Purpose Statement

4.1.3.1. The statement of purpose shall contain the specific species and animal class(es) for which the feed is intended as defined in Part 4.1.4.

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- 4.1.3.2. 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 Part 4.1.4 which may include, but is not limited to weight range(s), sex, or ages of the animal(s) for which the feed is manufactured.
- 4.1.3.3. 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.
- 4.1.3.4. 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 Part 4.1.4.10.2.10]
- 4.1.3.5. 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 Part 4.1.4.10.2.10.]
- 4.1.3.6. The purpose statement of a product shall include a statement of enzyme functionality if enzymatic activity is represented in any manner.
- 4.1.4. Guarantees - Crude Protein, Equivalent Crude Protein from Non Protein Nitrogen, Amino Acids, Crude Fat, Crude Fiber, Acid Detergent Fiber, Neutral 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. All guarantees shall be stated on an "as is" basis.
  - 4.1.4.1. Required guarantees for swine formula feeds
    - 4.1.4.1.1. Animal Classes
      - 4.1.4.1.1.1. Pre-Starter - 2 to 11 pounds
      - 4.1.4.1.1.2. Starter -11 to 44 pounds
      - 4.1.4.1.1.3. Grower - 44 to 110 pounds
      - 4.1.4.1.1.4. Finisher -110 to 242 pounds (market)
      - 4.1.4.1.1.5. Gilts, Sows and Adult Boars
      - 4.1.4.1.1.6. Lactating Gilts and Sows
    - 4.1.4.1.2. Guaranteed Analysis for Swine Complete Feeds and Supplements (all animal classes)

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- 4.1.4.1.2.1. Minimum percentage of Crude Protein
- 4.1.4.1.2.2. Minimum percentage of Lysine
- 4.1.4.1.2.3. Minimum percentage of Crude Fat
- 4.1.4.1.2.4. Maximum percentage of Crude Fiber
- 4.1.4.1.2.5. Minimum and maximum percentage of Calcium
- 4.1.4.1.2.6. Minimum percentage of Phosphorus
- 4.1.4.1.2.7. Minimum and maximum percentage of Salt (if added)
- 4.1.4.1.2.8. Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum Salt guarantee
- 4.1.4.1.2.9. Minimum Selenium in parts per million (ppm)

4.1.4.2. Required guarantees for Formula Poultry Feeds (Broilers, Layers and Turkeys)

4.1.4.2.1. Animal Classes

- 4.1.4.2.1.1. Layer - Chickens that are grown to produce eggs for food, e.g., table eggs
  - 4.1.4.2.1.1.1. Starting/Growing - From day of hatch to approximately 10 weeks of age.
  - 4.1.4.2.1.1.2. Finisher - From approximately 10 weeks of age to time first egg is produced. (Approximately 20 weeks of age).
  - 4.1.4.2.1.1.3. Laying - From time first egg is laid throughout the time of egg production.
  - 4.1.4.2.1.1.4. 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.
- 4.1.4.2.1.2. Broilers - Chickens that are grown for human food.
  - 4.1.4.2.1.2.1. Starting/growing - From day of hatch to approximately 5 weeks of age.
  - 4.1.4.2.1.2.2. Finisher - From approximately 5 weeks of age to market, (42 to 52 days).
  - 4.1.4.2.1.2.3. Breeders - Hybrid strains of chickens whose offspring are grown for human food, (broilers), any age and either sex.

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4.1.4.2.1.3. Broilers, Breeders - Chickens whose offspring are grown for human food (broilers).

4.1.4.2.1.3.1. Starting/Growing - From day of hatch until approximately 10 weeks of age.

4.1.4.2.1.3.2. Finishing - From approximately 10 weeks of age to time first egg is produced, approximately 20 weeks of age.

4.1.4.2.1.3.3. Laying - Fertile egg producing chickens (broilers/roasters) from day of first egg throughout the time fertile eggs are produced.

4.1.4.2.1.4. Turkeys

4.1.4.2.1.4.1. 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).

4.1.4.2.1.4.2. 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).

4.1.4.2.1.4.3. Laying - Female turkeys that are producing eggs; from time first egg is produced, throughout the time they are producing eggs.

4.1.4.2.1.4.4. 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.

4.1.4.2.2. Guaranteed Analysis for Poultry Complete Feeds and Supplements (all animal classes)

4.1.4.2.2.1. Minimum percentage of Crude Protein

4.1.4.2.2.2. Minimum percentage of Lysine

4.1.4.2.2.3. Minimum percentage of Methionine

4.1.4.2.2.4. Minimum percentage of Crude Fat

4.1.4.2.2.5. Maximum percentage of Crude Fiber

4.1.4.2.2.6. Minimum and maximum percentage of Calcium

4.1.4.2.2.7. Minimum percentage of Phosphorus

4.1.4.2.2.8. Minimum and maximum percentage of Salt (if added)

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4.1.4.2.2.9. Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum Salt guarantee

#### 4.1.4.3. Required Guarantees for Beef Cattle Formula Feeds

##### 4.1.4.3.1. Animal Classes

4.1.4.3.1.1. Calves (birth to weaning)

4.1.4.3.1.2. Cattle on Pasture (may be specific as to production stage; e.g. stocker, feeder, replacement heifers, brood cows, bulls, etc.)

4.1.4.3.1.3. Feedlot Cattle

##### 4.1.4.3.2. Guaranteed analysis for Beef Complete Feeds and Supplements (all animal classes)

4.1.4.3.2.1. Minimum percentage of Crude Protein

4.1.4.3.2.2. Maximum percentage of equivalent crude protein from Non-Protein Nitrogen (NPN) when added

4.1.4.3.2.3. Minimum percentage of Crude Fat

4.1.4.3.2.4. Maximum percentage of Crude Fiber

4.1.4.3.2.5. Minimum and maximum percentage of Calcium

4.1.4.3.2.6. Minimum percentage of Phosphorus

4.1.4.3.2.7. Minimum and maximum percentage of Salt (if added)

4.1.4.3.2.8. Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum Salt guarantee

4.1.4.3.2.9. Minimum percentage of Potassium

4.1.4.3.2.10. Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound (if added)

##### 4.1.4.3.3. Guaranteed analysis for Beef Mineral Feeds (if added)

4.1.4.3.3.1. Minimum and maximum percentage Calcium

4.1.4.3.3.2. Minimum percentage of Phosphorus

4.1.4.3.3.3. Minimum and maximum percentage of Salt

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- 4.1.4.3.3.4. Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum Salt guarantee
- 4.1.4.3.3.5. Minimum percentage of Magnesium
- 4.1.4.3.3.6. Minimum percentage of Potassium
- 4.1.4.3.3.7. Minimum Copper in parts per million (ppm)
- 4.1.4.3.3.8. Minimum Selenium in parts per million (ppm)
- 4.1.4.3.3.9. Minimum Zinc in parts per million (ppm)
- 4.1.4.3.3.10. Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound

#### 4.1.4.4. Required Guarantees for Dairy Formula Feeds

##### 4.1.4.4.1. Animal Classes

- 4.1.4.4.1.1. Veal Milk Replacer - Milk Replacer to be fed for veal production.
- 4.1.4.4.1.2. Herd Milk Replacer - Milk Replacer to be fed for herd replacement calves.
- 4.1.4.4.1.3. Starter - Approximately 3 days to 3 months.
- 4.1.4.4.1.4. Growing Heifers, Bulls and Dairy Beef
  - 4.1.4.4.1.4.1. Grower 1 -3 months to 12 months of age
  - 4.1.4.4.1.4.2. Grower 2 - More than 12 months of age
- 4.1.4.4.1.5. Lactating Dairy Cattle
- 4.1.4.4.1.6. Non-Lactating Dairy Cattle

##### 4.1.4.4.2. Guaranteed Analysis for Veal and Herd Replacement Milk Replacer

- 4.1.4.4.2.1. Minimum percentage Crude Protein
- 4.1.4.4.2.2. Minimum percentage Crude Fat
- 4.1.4.4.2.3. Maximum percentage of Crude Fiber
- 4.1.4.4.2.4. Minimum and maximum percentage Calcium
- 4.1.4.4.2.5. Minimum percentage of Phosphorus

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4.1.4.4.2.6. Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound (if added)

4.1.4.4.3. Guaranteed Analysis for Dairy Cattle Complete Feeds and Supplements

4.1.4.4.3.1. Minimum percentage of Crude Protein

4.1.4.4.3.2. Maximum percentage of Equivalent Crude Protein from Non-Protein Nitrogen (NPN) when added

4.1.4.4.3.3. Minimum percentage of Crude Fat

4.1.4.4.3.4. Maximum percentage of Crude Fiber

4.1.4.4.3.5. Maximum percentage of Acid Detergent Fiber (ADF)

4.1.4.4.3.6. Minimum and maximum percentage of Calcium

4.1.4.4.3.7. Minimum percentage of Phosphorus

4.1.4.4.3.8. Minimum Selenium in parts per million (ppm)

4.1.4.4.3.9. Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound (if added)

4.1.4.4.4. Required Guaranteed Analysis for Dairy Mixing and Pasture Mineral

4.1.4.4.4.1. Minimum and maximum percentage of Calcium

4.1.4.4.4.2. Minimum percentage of Phosphorus

4.1.4.4.4.3. Minimum and maximum percentage of Salt

4.1.4.4.4.4. Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum Salt guarantee

4.1.4.4.4.5. Minimum percentage of Magnesium

4.1.4.4.4.6. Minimum percentage of Potassium

4.1.4.4.4.7. Minimum Selenium in parts per million (ppm)

4.1.4.4.4.8. Minimum Vitamin A, other than the precursors of Vitamin A, in International Units per pound

4.1.4.5. Required Guarantees for Equine Formula Feeds

4.1.4.5.1. Animal Classes

4.1.4.5.1.1. Foal

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- 4.1.4.5.1.2. Mare
- 4.1.4.5.1.3. Breeding
- 4.1.4.5.1.4. Maintenance
- 4.1.4.5.2. Guaranteed Analysis for Equine Complete Feeds and Supplements (all animal classes)
  - 4.1.4.5.2.1. Minimum percentage of Crude Protein
  - 4.1.4.5.2.2. Minimum percentage of Crude Fat
  - 4.1.4.5.2.3. Maximum percentage of Crude Fiber
  - 4.1.4.5.2.4. Maximum percentage of Acid Detergent Fiber (ADF)
  - 4.1.4.5.2.5. Maximum percentage of Neutral Detergent Fiber (NDF)
  - 4.1.4.5.2.6. Minimum and maximum percentage of Calcium
  - 4.1.4.5.2.7. Minimum percentage of Phosphorus
  - 4.1.4.5.2.8. Minimum Copper in parts per million (ppm)
  - 4.1.4.5.2.9. Minimum Selenium in parts per million (ppm)
  - 4.1.4.5.2.10. Minimum Zinc in parts per million (ppm)
  - 4.1.4.5.2.11. Minimum Vitamin A, other than the precursors of Vitamin A, in International Units per pound (if added)
- 4.1.4.5.3. Guaranteed Analysis for Equine Mineral Feeds (all animal classes)
  - 4.1.4.5.3.1. Minimum and maximum percentage of Calcium
  - 4.1.4.5.3.2. Minimum percentage of Phosphorus
  - 4.1.4.5.3.3. Minimum and maximum percentage of Salt (if added)
  - 4.1.4.5.3.4. Minimum and maximum percentage of Sodium shall be guaranteed only when the total Sodium exceeds that furnished by the maximum Salt guarantee
  - 4.1.4.5.3.5. Minimum Copper in parts per million (ppm)
  - 4.1.4.5.3.6. Minimum Selenium in parts per million (ppm)
  - 4.1.4.5.3.7. Minimum Zinc in parts per million (ppm)
  - 4.1.4.5.3.8. Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound (if added)

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#### 4.1.4.6. Required Guarantees for Goat and Sheep Formula Feeds

##### 4.1.4.6.1. Animal Classes

- 4.1.4.6.1.1. Starter
- 4.1.4.6.1.2. Grower
- 4.1.4.6.1.3. Finisher
- 4.1.4.6.1.4. Breeder
- 4.1.4.6.1.5. Lactating

##### 4.1.4.6.2. Guaranteed Analysis for Goat and Sheep Complete Feeds and Supplements (all animal classes)

- 4.1.4.6.2.1. Minimum percentage of Crude Protein
- 4.1.4.6.2.2. Maximum percentage of equivalent crude protein from Non-Protein Nitrogen (NPN) when added
- 4.1.4.6.2.3. Minimum percentage of Crude Fat
- 4.1.4.6.2.4. Maximum percentage of Crude Fiber
- 4.1.4.6.2.5. Minimum and maximum percentage of Calcium
- 4.1.4.6.2.6. Minimum percentage of Phosphorus
- 4.1.4.6.2.7. Minimum and maximum percentage of Salt (if added)
- 4.1.4.6.2.8. Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum Salt guarantee
- 4.1.4.6.2.9. Minimum and maximum Copper in parts per million (ppm) (if added, or if total copper exceeds 20 ppm)
- 4.1.4.6.2.10. Minimum Selenium in parts per million (ppm)
- 4.1.4.6.2.11. Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound (if added)

#### 4.1.4.7. Required Guarantees for Duck and Geese Formula Feeds

##### 4.1.4.7.1. Animal Classes

- 4.1.4.7.1.1. Ducks
  - 4.1.4.7.1.1.1. Starter - 0 to 3 weeks of age
  - 4.1.4.7.1.1.2. Grower - 3 to 6 weeks of age

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4.1.4.7.1.1.3. Finisher - 6 weeks to market

4.1.4.7.1.1.4. Breeder Developer - 8 to 19 weeks of age

4.1.4.7.1.1.5. Breeder - 22 weeks to end of lay

4.1.4.7.1.2. Geese

4.1.4.7.1.2.1. Starter - 0 to 4 weeks of age

4.1.4.7.1.2.2. Grower - 4 to 8 weeks of age

4.1.4.7.1.2.3. Finisher - 8 weeks to market

4.1.4.7.1.2.4. Breeder Developer -10 to 22 weeks of age

4.1.4.7.1.2.5. Breeder - 22 weeks to end of lay

4.1.4.7.2. Guaranteed Analysis for Duck and Geese Complete Feeds and Supplements (for all animal classes)

4.1.4.7.2.1. Minimum percentage of Crude Protein

4.1.4.7.2.2. Minimum percentage of Crude Fat

4.1.4.7.2.3. Maximum percentage of Crude Fiber

4.1.4.7.2.4. Minimum and maximum percentage of Calcium

4.1.4.7.2.5. Minimum percentage of Phosphorus

4.1.4.7.2.6. Minimum and maximum percentage of Salt (if added)

4.1.4.7.2.7. Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum Salt guarantee

4.1.4.8. Required Guarantees for Fish Complete Feeds and Supplements

4.1.4.8.1. Animal Species shall be declared in lieu of animal class

4.1.4.8.1.1. Trout

4.1.4.8.1.2. Catfish

4.1.4.8.1.3. Species other than trout or catfish

4.1.4.8.2. Guaranteed analysis for all Fish Complete Feeds and Supplements

4.1.4.8.2.1. Minimum percentage of Crude Protein

4.1.4.8.2.2. Minimum percentage of Crude Fat

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4.1.4.8.2.3. Maximum percentage of Crude Fiber

4.1.4.8.2.4. Minimum percentage of Phosphorus

4.1.4.9. Required Guarantees for Rabbit Complete Feeds and Supplements

4.1.4.9.1. Animal Classes

4.1.4.9.1.1. Grower - 4 to 12 weeks of age

4.1.4.9.1.2. Breeder -12 weeks of age and over

4.1.4.9.2. Guaranteed analysis for Rabbit Complete Feeds and Supplements (all animal classes)

4.1.4.9.2.1. Minimum percentage of Crude Protein

4.1.4.9.2.2. Minimum percentage of Crude Fat

4.1.4.9.2.3. Minimum and maximum percentage of Crude Fiber (the maximum crude fiber shall not exceed the minimum by more than 5.0 units)

4.1.4.9.2.4. Minimum and maximum percentage of Calcium

4.1.4.9.2.5. Minimum percentage of Phosphorus

4.1.4.9.2.6. Minimum and maximum percentage of Salt (if added)

4.1.4.9.2.7. Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum Salt guarantee

4.1.4.9.2.8. Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound (if added)

4.1.4.10. The required guarantees of grain mixtures with or without molasses and feeds other than those described in Part 4.1.4.1 through 4.1.4.9 shall include the following items, unless exempted in Part 9, in the order listed:

4.1.4.10.1. Animal class(es) and species for which the product is intended.

4.1.4.10.2. Guaranteed analysis

4.1.4.10.2.1. Minimum percentage Crude Protein

4.1.4.10.2.2. Maximum or minimum percentage of equivalent Crude Protein from Non-Protein Nitrogen as required in Section 5.5.

4.1.4.10.2.3. Minimum percentage of Crude Fat

4.1.4.10.2.4. Maximum percentage of Crude Fiber

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- 4.1.4.10.2.5. Minerals in formula feeds, to include in the following order:
  - 4.1.4.10.2.5.1. Minimum and maximum percentages of Calcium
  - 4.1.4.10.2.5.2. Minimum percentage of Phosphorus
  - 4.1.4.10.2.5.3. Minimum and maximum percentage of Salt (if added)
  - 4.1.4.10.2.5.4. Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum Salt guarantee
  - 4.1.4.10.2.5.5. Other Minerals
- 4.1.4.10.2.6. Minerals in feed ingredients - as specified by the Official Definitions of Feed Ingredients published in the ~~2017~~2022 Official Publication of AAFCO.
- 4.1.4.10.2.7. Vitamins in such terms as specified in Part 5.3.
- 4.1.4.10.2.8. Total sugars as invert on dried molasses products or products being sold primarily for their sugar content
- 4.1.4.10.2.9. Viable lactic acid producing microorganisms for use in silage in terms specified in Part 5.7.
- 4.1.4.10.2.10. 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.

#### 4.1.4.11. Exemptions

- 4.1.4.11.1. 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:
  - 4.1.4.11.1.1. 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
  - 4.1.4.11.1.2. The feed or feed ingredient is intended for non-food producing animals and contains less than 6.5% total mineral.
- 4.1.4.11.2. Guarantees for vitamins are not required when the commercial feed is neither formulated for nor represented in any manner as a vitamin supplement.

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- 4.1.4.11.3. 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.
- 4.1.4.11.4. 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.
- 4.1.4.11.5. 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.
- 4.1.4.11.6. In lieu of a guaranteed analysis statement, wild bird feed labels may substitute a composition statement that lists the percentage of each ingredient. Composition statement values are allowed a variance from the actual value up to 5%.
- 4.1.5. Feed ingredients, collective terms for the grouping of feed ingredients, or appropriate statements as provided under the provisions of Section 35-60-106(1)(e), C.R.S. of the Colorado Feed Law.
  - 4.1.5.1. The name of each ingredient listed in descending order of predominance by weight and as defined in the Official Definitions of Feed Ingredients published in the Official Publication of AAFCO, common or usual name, or one approved by the Commissioner.
  - 4.1.5.2. Collective terms for the grouping of feed ingredients as defined in the Official Definitions of Feed Ingredients published in the Official Publication of AAFCO, in lieu of the individual ingredients; provided that:
    - 4.1.5.2.1. 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.
    - 4.1.5.2.2. 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.
- 4.1.6. Directions for use and precautionary statements or reference to their location if the detailed feeding directions and precautionary statements required by Parts 8 and 9 appear elsewhere on the label.
- 4.1.7. Name and principal mailing address of the manufacturer or person responsible for distributing the feed. The principal mailing address shall include the street address, city, state, zip code. However, the street address may be omitted if it is shown in the current city directory or telephone directory.
- 4.1.8. Quantity Statement.
  - 4.1.8.1 Net quantity shall be declared in terms of weight, liquid measure or count.

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4.1.8.2. Net quantity labeled in terms of weight shall be expressed both in pounds, with any remainder in terms of ounces or common or decimal fractions of the pound and in appropriate SI metric system units; or in the case of liquid measure, both in the largest whole unit (quarts, quarts and pints, or pints, as appropriate) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or whole quart and in the appropriate SI metric system units.

4.1.8.3. When the declaration of quantity of contents by count does not give the adequate information as to the quantity of feed in the container, it shall be combined with such statement of weight, liquid measure, or size of the individual units as will provide such information.

## **Part 7. Ingredients**

- 7.1. 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 published in the ~~2017~~2022 Official Publication of AAFCO, the common or usual name, or one approved by the Commissioner.
- 7.2. The name of each ingredient must be shown in letters or type of the same size.
- 7.3. No reference to quality or grade of an ingredient shall appear in the ingredient statement of a feed.
- 7.4. The term “dehydrated” may precede the name of any product that has been artificially dried.
- 7.5. A single ingredient product as defined in the Official Definitions of Feed Ingredients published in the ~~2017~~2022 Official Publication of AAFCO is not required to have an ingredient statement.
- 7.6. Tentative definitions as published in the Official Definitions of Feed Ingredients published in the ~~2017~~2022 Official Publication of AAFCO 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).
- 7.7. 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.

## **Part 9. Non-Protein Nitrogen**

- 9.1. Urea and other non-protein nitrogen products defined in the Official Definitions of Feed Ingredients published in the ~~2017~~2022 Official Publication of AAFCO 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 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.
- 9.2. Non-protein nitrogen defined in the Official Definitions of Feed Ingredients published in the ~~2017~~2022 Official Publication of AAFCO when so indicated, are acceptable ingredients in commercial feeds distributed to non-ruminant animals as a source of nutrients other than

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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.

- 9.3. 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.

## **Part 10. Drug and Feed Additives**

- 10.1. Prior to approval of a registration application and/or approval of a label for commercial feed which contains additives (including drugs, other special purpose additives, or non-nutritive additives) the distributor may be required to submit evidence to prove the safety and efficacy of the commercial feed when used according to the directions furnished on the label.
- 10.2. Satisfactory evidence of safety and efficacy of a commercial feed may be:
- 10.2.1. When the commercial feed contains such additives, the use of which conforms to the requirements of the applicable regulation in the Code of Federal Regulations, Title 21, or which are “prior sanctioned” or “informal review sanctioned” or “generally recognized as safe” for such use, or
- 10.2.2. When the commercial feed is itself a drug as defined in Section 35-60-102(8) of the Colorado Feed Law 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
- 10.2.3. 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 Toxins Act of 1913, as amended, or
- 10.2.4. When the commercial feed is a direct fed microbial product and:
- 10.2.4.1. The product meets the particular fermentation product definition; and
- 10.2.4.2. 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
- 10.2.4.3. The source is stated with a corresponding guarantee expressed in accordance with Part 5.7.
- 10.2.5. When the commercial feed is an enzyme product and:
- 10.2.5.1. The product meets the particular enzyme definition as defined in the Official Definitions of Feed Ingredients published in the ~~2017~~2022 Official Publication of AAFCO, and
- 10.2.5.2. The enzyme is stated with a corresponding guarantee expressed in accordance with Part 5.8.

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### **Part 13. Material Incorporated by Reference**

These rules herein incorporate the Official Publication of the Association of American Feed Control Officials, Inc (“AAFCO”), effective January 1, ~~2017~~2023. This rule incorporates by reference the AAFCO standards and guidelines. This rule does not adopt any later amendments to, or editions of, the AAFCO standards and guidelines. A copy of the Official Publication of the Association of American Feed Control Officials, Inc. shall be kept on file at the Department of Agriculture, located at 305 Interlocken Parkway, Broomfield Colorado 80021, and shall be open to public inspection, and available for copying, during normal business hours. A copy of the official publication shall also be kept at the AAFCO Headquarters Office, located at 1800 S. Oak Street, Suite 100, Champaign, IL 61820-6974 and is available online at: <https://www.aaeco.org/Publications> This, and any other material that is incorporated by reference, may be examined at any state publications depository library.

### **Part 17. Statements of Basis, Specific Statutory Authority and Purpose**

#### **17.10. Adopted October 12, 2022 – Effective December 15, 2022**

##### Statutory Authority

The Commissioner's authority for the adoption of this permanent Rule amendment is set forth in § 35-60-109(1) C.R.S.

##### Purpose

The purpose of this rulemaking is to update the references to the 2022 publication of the Association of American Feed Control Officials.

##### Factual and Policy Basis

1. Numerous changes to the AAFCO Official publication have occurred since the printing of the 2017 version which is currently referenced in the rules. The change to the 2022 version is reflected throughout the rule. Updating the rule to follow the 2022 AAFCO Model regulations will make our rules more consistent with other states' feed rules.
2. These amendments incorporate changes as a result of the department's regulatory efficiency review process.