

Model Bills and Regulations Committee Report
2020 AAFCO Midyear Meeting
January 21, 2020 – Albuquerque, New Mexico

Committee Recommendations:

The Model Bills and Regulations Committee recommends the following revisions be made to the Model Bills and Regulations, and that the AAFCO Board of Directors review the proposed revisions for future consideration by the Association membership.

1. Add Regulation 6(h) regarding Carriers as indicated in Attachment A to the Model Bill, and move Statements of Uniformity Interpretation and Policy (SUIP) 17 – Carriers to the deleted SUIP list if Regulation 6(h) is approved by the AAFCO membership.
2. Revise Model Bill Section 7. Adulteration as indicated in Attachment B.
3. Revise Regulation PF3. Brand and Product Names as indicated in Attachment D.
4. Revise Regulation PF5. Ingredients as indicated in Attachment E.
5. Revise Regulation PF7. Nutritional Adequacy and Feeding Protocols as indicated in Attachment F.

Board Recommendations:

Association Actions:

Committee Report and Minutes:

Model Bills and Regulations Committee Chairman Doug Lueders called the meeting to order at 1:00 p.m. on Jan. 21, 2020. He welcomed committee members, industry advisers and guests who were present, and reviewed the agenda.

In addition to Chairman Lueders, committee members participating in the meeting were: Liz Beckman (Washington), Ken Bowers (Kansas), William Burkholder (FDA), Mike Davidson (California), David Dressler (Pennsylvania), George Ferguson (North Carolina), Kristen Green (Kentucky), Alan Harrison (Kentucky), Richard Ten Eyck (Oregon), and Scott Ziehr (Colorado).

Industry advisers participating were: Meghan Dicks and Steve Younker (AFIA), David Dzanis (APPA/ACVN), Emily Helmes (ETA), Catherine Alinovi (NGPFMA), Jan Campbell and David Fairfield (NGFA), and Angele Thompson and Pat Tovey (PFI).

AAFCO Executive Director Sue Hayes also participated in the meeting.

Minutes from Previous Committee Meetings

Chairman Lueders noted that minutes from the committee's August 5, 2019 meeting conducted in Louisville, Ky. and electronic meeting conducted on October 25 to address Expression of Guarantees were previously approved on Oct. 1 and Oct. 30, respectively, posted on the AAFCO website and Feed BIN and were included in the 2020 AAFCO Midyear Meeting Committee Reports.

Working Group Reports and Recommendations

1. Regulation 4(g) and 4(h) Expression of Guarantees

Chairman Lueders noted that recommendations made by the committee's working group and approved by the committee to revise Model Bill Regulation 4(g) and 4(h) Expression of Guarantees was approved by the AAFCO membership during the 2020 AAFCO Midyear Business Meeting. Chairman Lueders thanked working group members and disbanded the working group.

2. SUIP 27 Chews and Bones – Attachment C

Chairman Lueders accepted the report (Attachment C) presented by the AAFCO Pet Food Committee that provided a recommendation that SUIP 27 Chews and Bones remain in the SUIP section of the AAFCO Official Publication, and be revised to address issues and concerns identified by the Pet Food Committee. No further committee action was taken on the report during the meeting.

Old Business

1. Addition of Regulation 6(h) – Attachment A

The committee considered adding Regulation 6(h) regarding Carriers as indicated in Attachment A to the Model Bill, and to move SUIP 17 – Carriers to the deleted SUIP list if Regulation 6(h) is approved by the AAFCO membership.

Richard Ten Eyck moved to accept the recommendation as indicated in Attachment A. Ken Bowers seconded the motion. The committee voted to approve.

2. Proposed Revision to Model Bill Section 7. Adulteration – Attachment B

The committee considered proposed revisions to Model Bill Section 7. Adulteration as indicated in Attachment B.

Mike Davidson moved to accept the revisions as indicated in Attachment B. Kristen Green seconded the motion. The committee voted to approve with 5

members in favor and 4 members opposed. William Burkholder abstained from voting and Chairman Lueders cast the deciding vote.

New Business

1. Proposed Revisions to Regulation PF3. Brand and Product Names – Attachment D

The committee considered the proposed revisions to Regulation PF3. Brand and Product Names as indicated in Attachment D.

Scott Ziehr moved to accept the proposed revisions as indicated in Attachment D. Kristen Green seconded the motion. The committee voted to approve.

2. Proposed Revisions to Regulation PF5. Ingredients – Attachment E

The committee considered the proposed revisions to Regulation PF5. Ingredients as indicated in Attachment E.

Kristen Green moved to accept the proposed revisions as indicated in Attachment E. Scott Ziehr seconded the motion. The committee voted to approve.

3. Proposed Revision to Regulation PF7. Nutritional Adequacy and Feeding Protocols – Attachment F

The committee considered the proposed revisions to Regulation PF7. Nutritional Adequacy and Feeding Protocols as indicated in Attachment F.

Kristen Green moved to accept the proposed revisions as indicated in Attachment F. Scott Ziehr seconded the motion. The committee voted to approve.

4. State Incorporation of Model Language versus Adoption by Rule; AAFCO Official Publication Chapter 4 – Model Bill and Regulations and AAFCO Official Publication Chapter 6 – Feed Terms and Definitions

The committee discussed how states utilize information in the AAFCO Official Publication within their state feed laws. It was noted that AAFCO was established to develop and promote the uniform adoption of equitable feed laws, regulations, standards, definitions and enforcement policies for regulating the manufacture, labeling, distribution and sale of animal feeds among regulatory agencies. It was further noted that the practice of adoption by rule of AAFCO Official Publication Chapter 4 – Model Bill and Regulations and AAFCO Official Publication Chapter 6 – Feed Terms and Definitions by state regulatory agencies is the best method

to achieve uniformity between state feed laws, regulations, feed terms and ingredient definitions.

In contrast, it was noted that the practice of directly incorporating into state law and/or regulations a point-in-time version of Chapter 4 – Model Bill and Regulations and/or Chapter 6 – Feed Terms and Definitions creates disparity among state regulatory requirements, since these chapters are revised over time.

States were encouraged to review their policies associated with use of Chapter 4 – Model Bill and Regulations and Chapter 6 – Feed Terms and Definitions and to consider adoption by rule of these chapters if that is not current practice.

Adjournment

Chairman Lueders asked whether there was any other business to be considered by the committee. Given that none was identified, the committee meeting was adjourned at 2:07 p.m.

On behalf of the Model Bills and Regulations Committee, I respectfully submit this report and request acceptance of the report and recommendations by the AAFCO Board of Directors and the Association membership.

Model Bills and Regulations Committee Attachments for January 21, 2020 Meeting

Attachment A – Proposed Addition of Model Regulation 6(h)

Recommends adding Regulation 6(h) language regarding **Carriers** (as below) to Regulation 6 of the Model Bill. Move SUIP #17 – Carriers to the deleted SUIP list if/when 6(h) is approved by the AAFCO membership.

6(h) Each carrier shall be listed in the ingredient statement on the label unless it meets the criteria for an incidental ingredient [21 CFR 501.100(a)(3)].

Attachment B – Proposed Revision to Model Bill Section 7. Adulteration (new language **bold and underscored)**

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 **human or animal** 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 ordinarily render it injurious to **human or animal** health; or