

**Model Bills and Regulations Committee Report**  
**2017 AAFCO Annual Meeting**  
**August 10, 2017 – Bellevue, Washington**

**Committee Recommendations:**

1. The Model Bills and Regulations Committee recommends that language as indicated in Attachment B be reinserted into the AAFCO Model Bill and that the AAFCO Board of Directors review the proposed reinsertion for future consideration by the Association membership.
2. The Model Bills and Regulations Committee recommends that language as indicated in Attachment C be deleted from the Model Bills and Regulations and that the AAFCO Board of Directors review the proposed deletion for future consideration by the Association membership.
3. The Model Bills and Regulations Committee recommends that the Pet and Specialty Pet definitions be revised as indicated in Attachment D and that the AAFCO Board of Directors review the proposed revisions for future consideration by the Association membership.
4. The Model Bills and Regulations Committee recommends the additions and revisions as indicated in Attachment E be made to AAFCO Model Regulation PF4(a) and that the AAFCO Board of Directors review the proposed additions and revisions for future consideration by the Association membership.
5. The Model Bills and Regulations Committee recommends the additions as indicated in Attachment F be made to AAFCO Model Regulation PF10 and that the AAFCO Board of Directors review the proposed additions for future consideration by the Association membership.
6. The Model Bills and Regulations Committee recommends that the Standard Uniform Interpretation and Policy as indicated in Attachment G be added to the *Official Publication* and that the AAFCO Board of Directors review the proposed addition for future consideration by the Association membership.

**Board Recommendations:**

**Association Actions:**

**Committee Report and Minutes (August 10, 2017):**

Model Bills and Regulations Committee Chairman Doug Lueders called the meeting to order at 1:30 p.m. on August 10, 2017. 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: Ken Bowers (Kansas), Bill Burkholder (FDA), Richard Ten Eyck (Oregon), and Scott Ziehr (Colorado).

Industry advisers participating were: Angela Mills and Steve Younker (AFIA); David Dzanis (APPA/ACVN); Emily Helmes (Enzyme Technical Association); Jan Campbell and David Fairfield (NGFA); Angele Thompson and Pat Tovey (PFI); and Sue Hayes (Wild Bird Feeding Industry).

## **Minutes from Previous Committee Meetings**

Chairman Lueders noted that minutes from the January 16, 2017 committee meeting conducted in Mobile were previously approved, posted on the AAFCO website and were included in the 2017 Annual Meeting's General Session packet.

## **Old Business**

The committee proceeded to discuss issues pertaining to the labeling of mineral and vitamin units as detailed in Attachment A. As an outcome of the discussion, a workgroup was established to evaluate the proposed revisions to labeling of mineral and vitamin units, as well as label unit nomenclature used throughout the Model Bills and Regulations. Individuals designated to serve on the workgroup were: Mr. Ziehr (chair), Ms. Catherine Alinovi, Ms. Campbell, Ms. Mills and Ms. Thompson.

## **New Business**

The committee proceeded to consider new business.

### **1. Regulation 2(b) (Attachment B)**

Mr. Burkholder moved that the Model Bills and Regulations Committee reinsert language as indicated in Attachment B into the AAFCO Model Bill that had been previously and erroneously omitted and that the AAFCO Board of Directors review the proposed reinsertion for future consideration by the Association membership.

The motion was seconded by Mr. Bowers. The committee approved the motion by a voice vote.

### **2. Regulation 4(d)(3) (Attachment C)**

Mr. Burkholder moved that the Model Bills and Regulations Committee delete language as indicated in Attachment C from the Model Bills and Regulations and that the AAFCO Board of Directors review the proposed deletion for future consideration by the Association membership.

The motion was seconded by Mr. Ziehr. The committee approved the motion by a voice vote.

### **3. PFC Definitions (Attachment D)**

Mr. Bowers moved that the Model Bills and Regulations Committee accept revisions to the Pet and Specialty Pet definitions as indicated in Attachment D and that the AAFCO Board of Directors review the proposed revisions for future consideration by the Association membership.

The motion was seconded by Mr. Ziehr. The committee approved the motion by a voice vote.

### **4. Regulation PF4(a). Expression of Guarantees and Descriptive Terms (Attachment E)**

Mr. Ziehr moved that the Model Bills and Regulations Committee accept additions and revisions as indicated in Attachment E and that the AAFCO Board of Directors review the proposed additions and revisions for future consideration by the Association membership.

The motion was seconded by Mr. Bowers. The committee approved the motion by a voice vote with Mr. Burkholder abstaining.

### **5. Regulation PF10. Descriptive Terms (Attachment F)**

Mr. Bowers moved that the Model Bills and Regulations Committee accept the additions as indicated in Attachment F and that the AAFCO Board of Directors review the proposed additions for future consideration by the Association membership:

The motion was seconded by Mr. Ziehr. The committee approved the motion by a voice vote with Mr. Burkholder abstaining.

### **6. SUIP 30, Dried Insects for Wild Bird Food (Attachment G)**

Mr. Ten Eyck moved that the Model Bills and Regulations Committee accept the proposed Standard Uniform Interpretation and Policy (SUIP) for inclusion in the *Official Publication* as indicated in Attachment G and that the AAFCO Board of Directors review the proposed addition for future consideration by the Association membership.

The motion was seconded by Mr. Bowers. The committee approved the motion by a voice vote.

## **Assignments/Homework**

**Labeling of Mineral and Vitamin Units:** Chairman Lueders requested that the workgroup established to review labeling of mineral and vitamin units, as well as other label unit nomenclature, evaluate relevant issues and report to the committee at the 2018 midyear AAFCO meeting.

## Adjournment

Mr. 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 2:45 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 August 10, 2017 meeting

### Attachment A:

**From:** Ben L. Jones [<mailto:blj@otsc.tamu.edu>]  
**Sent:** Wednesday, August 17, 2016 4:19 PM  
**To:** Lueders, Doug (MDA) <[doug.lueders@state.mn.us](mailto:doug.lueders@state.mn.us)>  
**Subject:** RE: MB Inconsistency

Doug,

I'm not sure to which preference you refer. How to move forward in the AAFCO process or which way to fix the inconsistency? I would be in favor of changing Model Regulation 4(c) to mirror the intent of 4(b)(3). Something like:

(c) Vitamin Guarantees

(1) Guarantees for minimum vitamin content of commercial feed shall be listed in the order specified and are stated in mg/lb unless otherwise specified.

(I) Vitamin A, other than precursors of vitamin A, in International Units per pound.

(II) Vitamin D-3 in products offered for poultry feeding, in International Chick Units per pound.

(III) Vitamin D for other uses, International Units per pound.

(IV) Vitamin E, in International Units per pound.

(V) Concentrated oils and feed additive premixes containing vitamins A, D, and/or E may, at the option of the distributor be stated in units per gram instead of units per pound.

(VI) Vitamin B-12, in milligrams or micrograms per pound.

(VII) All other vitamin guarantees shall express the vitamin activity in milligrams per pound in terms of the following: menadione; riboflavin; d-pantothenic acid; thiamine; niacin; vitamin B-6; folic acid; choline; biotin; inositol; p-amino benzoic acid; ascorbic acid; and carotene.

(2) Products labeled with a quantity statement (e.g. tablets, capsules, granules, or liquid) may state vitamin guarantees in milligrams per unit (e.g. tablets, capsules, granules, or liquids) consistent with the quantity statement and directions for use.

Just an example of a possibility.

Thanks,

BLJ

**From:** Lueders, Doug (MDA) [<mailto:doug.lueders@state.mn.us>]

**Sent:** August 15, 2016 12:30 PM

**To:** Ben L. Jones <[blj@otsc.tamu.edu](mailto:blj@otsc.tamu.edu)>

**Subject:** RE: MB Inconsistency

Ben,

I do not disagree. What would your preference be? I'm actually surprised that AFIA didn't pick up on that. I wish that I knew what the rationale was back in the day.

Regards,

Doug Lueders, Manager

Minnesota Department of Agriculture

Commercial Feed Regulatory Program

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**From:** Ben L. Jones [[blj@otsc.tamu.edu](mailto:blj@otsc.tamu.edu)]

**Sent:** Monday, August 15, 2016 11:42 AM

**To:** Lueders, Doug (MDA)

**Subject:** MB Inconsistency

Doug,

Recently discovered what I see as an inconsistency in a section of the model regulations under the model bill and the model pet food regulations. At least may deserve consideration and discussion.

Regulation 4. Expression of Guarantees

4(b)(3) Mineral Guarantees allows for the expression of mineral guarantees in mg/unit (e.g. tablets, capsules, granules, or liquids) consistent with the quantity statement and directions for use.

4(c) Vitamin Guarantees allows for the expression of vitamins in mg/lb or units consistent with those employed for the quantity statement unless otherwise specified.....and then lists some specific expressions for certain vitamins, implying that those specific expressions cannot be guaranteed in mg/unit.

Regulation PF4. Expression of Guarantees

PF4(c)(3) allows for expression of minerals in mg/unit.

PF4(d)(3) allows for expression of vitamins in mg/unit.

You may ask..."so what?" So, if a companion animal, say horse, product is in a tablet, capsule, granule, or liquid form, they can guarantee minerals in an mg/unit form, can guarantee some vitamins in mg/unit, but cannot guarantee all the vitamins in an mg/unit form. Makes it difficult to convey information to the consumer in a consistent manner.

Your thoughts?

Thanks,

Ben Jones, Associate Director

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### **Attachment B:**

Missing info since the current Model Bill rewrite in 1994 from the previous Uniform State Feed Bill

Model Regulations

Regulation 2. Label Format

(a)

(b) Label information is to be placed as follows.

**Attachment C:**

Regulation 4(d)(3) Labels for commercial feeds containing growth promotion and/or feed efficiency levels of antibiotics, which are to be fed continuously as the sole ration, are not required to make quantitative guarantees except as specifically noted in the Federal Food Additive Regulations for certain antibiotics, wherein, quantitative guarantees are required regardless of the level or purpose of the antibiotic.

**Attachment D: – Pet, Specialty Pet, Pet Food and Specialty Pet Food Definitions**

**Recommendations**

The PFC recommends and moves the revised Pet and Specialty Pet definitions as displayed below to the Model Bill and Regulations Committee for their consideration.

*The following definitions appear on page 106 of the 2017 AAFCO OP in the Model Bill and Regulations.*

(q) The term “pet food” means any commercial feed prepared and distributed for consumption by pets.

(r) The term “pet” means dog (*Canis familiaris*) or cat (*Felis catus*).

...

(v) The term “specialty pet” means any animal normally maintained in a household, such as, but not limited to, rodents, ornamental birds, ornamental fish, reptiles and amphibians, ferrets, hedgehogs, marsupials, and rabbits (non-production, non-livestock).

(w) The term “specialty pet food” means any commercial feed prepared and distributed for consumption by specialty pets.

**Attachment E:** The PFC recommends and moves the following addition and revisions to AAFCO Model Regulation PF4(a) on p. 139 of the 2017 Official Publication (OP) to the Model Bill and Regulations Committee for their consideration.

**Regulation PF4. Expression of Guarantees**

(a) The “Guaranteed Analysis” shall be listed in the following order and format unless otherwise specified in these Regulations:

(1) ...

(2) ...

- (3) When listed on the label of a dog or cat food product, guarantees for dietary starch and sugars shall be stated as maximum percentages. Neither guarantee shall be listed without the other. The guarantee for dietary starch shall follow ash, if also listed; or moisture, if ash is not listed. The guarantee for sugars shall follow dietary starch.
- ~~(3)~~(4) A dog or cat food label shall list other required or voluntary guarantees...
- ~~(4)~~(5) A specialty pet food label shall list other required or voluntary guarantees...

**Attachment F:** The PFC recommends and moves the following additions to AAFCO Model Regulation PF10 on p. 147 of the 2017 OP to the Model Bill and Regulations Committee for their consideration.

### **Regulation PF10. Descriptive Terms**

(a) Calorie Terms...

(b) Fat Terms...

(c) Carbohydrate Terms

(1) “Low” Carbohydrate, Dietary Starch and Sugars Claims

A claim of “low carbohydrates”, “low dietary starch”, “low sugars” or a combination thereof is not allowed.

(2) “Less” or “Reduced” Carbohydrates, Dietary Starch and Sugars claims.

A. A dog or cat food product which bears on its label a claim of “less \_\_\_\_\_” or “reduced \_\_\_\_\_” (blank is to be completed by using “carbohydrates”, “dietary starch” or “sugars”) or words of similar designation, shall include on the label:

- i. The name of the product of comparison and the percentage of reduction in total dietary starch plus sugars (expressed on an equal weight basis) explicitly stated and juxtaposed with the largest or most prominent use of the claim on each panel of the label on which the term appears; and
- ii. The comparative statement printed in type of the same color and style and not less than one-half the size used in the claim; and
- iii. Maximum guarantees for dietary starch and sugars as stated in Model Regulation PF4(a)(3).

B. A comparison between products in different categories of moisture content (i.e., less than 20%, 20% or more but less than 65%, 65% or more) is misleading.

### **Attachment G:**

Good morning,

Kristi Smedley and I took the comments regarding dried insects in wild bird food, into consideration and have drafted the following SUIP for Model Bill Committee to review.



30. Dried Insects for Wild Bird Food - Insects, all life stages, that are commonly found in the wild as North American wild bird food sources may be reared and dried for use in commercial wild bird feed. These insects are considered common food. The dried insects must be feed grade. The label must include the appropriate common name of the insect. Example: Black Soldier Fly Larvae

There is no intention to circumvent the ingredient definition process. Based upon discussions with CVM and the IDC Chair, it has been recognized that wild birds have a plethora of options for food sources that are not limited to commercially produced animal food. Larvae and insects that are found in North America are a staple part of the wild bird food diet and should likely pose no safety risk when offered in commercial bird seed mixes and suet cakes, provided the dried insects are feed grade (not adulterated).

Please consider the opportunity to list the dried insect larvae and dried insects for wild bird food use only in a Statement of Uniform Interpretation and Policy to ensure the regulators and industry have a standard to follow.

Many thanks,

Erin Bubb | PA Department of Agriculture

Bureau of Plant Industry

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