

Model Bills and Regulations Committee

Minutes of January 18, 2012 Meeting

Model Bills and Regulations Committee Chairman Doug Lueders called the meeting to order at 3:35 p.m. on January 18, 2011. He welcomed committee members, industry advisers and guests who were present, and reviewed the agenda. He asked if there were any additional agenda topics, and none were offered.

In addition to Mr. Lueders, committee members in attendance were: Bill Burkholder (FDA), Mike Davidson (California), April Hunt (Michigan), Kevin Klommhaus (Iowa), Ricky Schroeder (Texas) and Richard TenEyck (Oregon).

Industry advisers present were: Wayne Bomgarden, Kristi Krafka, Leah Wilkinson and Richard Sellers (AFIA); David Dzanis (APPA/ACVN); Randy Gordon and David Fairfield (NGFA); Angele Thompson and Nancy K. Cook (PFI); and Doug Alderman and Sue Hays (Wild Bird Feeding Industry).

Mr. Lueders noted that all of the committee's recommendations developed for consideration at the 2011 AAFCO annual meeting in Austin, TX, had been approved as submitted. He said there was one carry-forward business agenda item – a Board of Directors request to develop legislative language concerning the issuance of Export Good Manufacturing Practice (GMP) Certificates by states to assist industry in the export of commercial feed.

Old Business

The committee proceeded to consider old business.

- **Export GMP Certificate Language:** April Hunt provided a report on the deliberations of a working group that she co-chaired with Leah Wilkinson to develop draft Export GMP Certificate legislative language that could be adopted by states to provide authority to conduct upon request GMP inspections, issue certificates and charge a fee for providing such services to industry firms. She began by noting that the AAFCO Board of Directors had requested that the Model Bills and Regulations Committee develop such language to meet the need of feed and feed ingredient exporters to secure GMP certificates for foreign shipments. She said that AAFCO viewed this as a trade/regulatory issue of significant importance and value to both AAFCO-member states and to the industry.

Ms. Hunt said at least one major export market – Brazil – already requires GMP certificates for imported feed and feed ingredients, and that it is reasonable to expect other countries will do the same in the future. She also noted AAFCO had developed Model GMPs for feed and feed ingredients that are included in the **Official Publication**.

She said that currently, the only state to enact legislative language on the subject of GMP certificates had been Indiana. For that reason, she said, the working group began its deliberations by using the Indiana law as a template. The intent, she said, was to craft language that states could use, adapt or modify to fit their individual circumstances prior to adoption. She said the working group met a couple of times by conference call, during which it had expressed the desire to have the language be flexible enough to cover the issuance not only of GMP export certificates, but other certificates for which a need may arise in the future (including, but not limited to, certificates of sanitation, certificates of free sale and certificates of manufacture).

She noted that following the development of draft legislative language by the working group, it had been circulated electronically to the Model Bills and Regulations Committee for consideration under a motion offered by Mr. TenEyck and seconded by Ben Jones. As such, Chairman Lueders said that the motion now was open for discussion.

Ms. Cook, on behalf of PFI, commended the working group and AAFCO for developing the proposal. She said PFI had sought legal review of the proposal by its outside counsel, which had suggested several amendments that were intended in part to add more clarity and specificity. She discussed and explained the intent of the amended language.

Messrs. TenEyck, on behalf of himself and Mr. Jones, withdrew their previous electronic motion so as to allow for discussion of the alternative language presented by PFI. Mr. TenEyck subsequently moved, and Mr. Schroeder seconded, a motion that the committee accept the amended language offered by PFI for purposes of enabling discussion. Committee members and industry advisers proceeded to discuss the draft PFI language in detail. Several substantive changes to the PFI draft were discussed and incorporated into a new draft. The Model Bills and Regulations Committee voted on the following language on Certificates as a new section to the AAFCO Model Bill, and that it be submitted to the AAFCO Board of Directors for approval:

New Section XX. Certificates

To facilitate continued access to markets for feed and feed ingredients, the _____ may:

- (a) Inspect, audit or certify commercial feed manufacturer or distributor facilities at the request of the manufacturer or distributor to the extent authorized by this Act, or on the basis of other records voluntarily supplied by the manufacturer or distributor;*
- (b) Issue certificates pursuant to subsection (a), such as, but not limited to, certificates of export from the state;*

- (c) Promulgate, amend or adopt rules to inspect, audit or certify and issue certificates pursuant to this Section; and*
- (d) Include a schedule of fees that addresses all activities required under this section. Such fees shall not duplicate those set forth in other sections of this act.*

Amended Section 8

- (g) The failure to pay inspection fees or file reports as required by Section 9 and XX of this Act.*

The motion was approved unanimously.

Chairman Lueders thanked the working group for its efforts to develop model language on certificates, and the Model Bills and Regulations Committee for its deliberations to perfect the language.

Other Business

Mr. Lueders observed that no new business had been forwarded to the committee for consideration prior to the meeting. He then asked if there were any new items from committee members and advisers, as well as from the Board of Directors or other attendees, that warranted discussion during the meeting.

Adjournment

Given that no other business was identified, the committee meeting was adjourned at 4:45 p.m.