

Model Bills and Regulations Committee (MBRC)

Recommendations, report and minutes for August 12, 2013 meeting and October 14-28 e-meeting

Committee Recommendations:

- 1.) The MBRC recommends that the printed 2014 AAFCO Official Publication content be restored to include all of the content headings included in the 2012 printed official Publication.
- 2.) The MBRC recommends changes to the dairy animal classes listed in Regulation 3(a)(4)(iv)(a) as submitted by the Feed Labeling Committee (**attachment A-1**) with the recommendation that they be presented to the membership for inclusion in the Official Publication.
- 3.) The MBRC recommends changes to PF3(b)(1) as submitted by the Pet Food Committee (**attachment A-2**) with the recommendation that they be presented to the membership for inclusion in the Official Publication.
- 4.) The MBRC recommends changes to Committee Guidelines, printed on pages 80-87 in the 2013 Official Publication (**attachment B**), as submitted by the Strategic Affairs Committee and edited by the MBRC with the recommendation that these revised Committee Guidelines be presented to the membership for inclusion in the Official Publication.
- 5.) The MBRC has reviewed the civil penalties provision submitted by the EIC and edited it to conform to the Model Bill. The MBRC provides the attached proposed language (**attachment C**) and recommends that it conforms to the Model Bill and asks the BOD to review the proposal for future consideration by the Association membership.

Board Recommendations:

Association actions:

Committee Report/Minutes (August 12, 2013):

Model Bills and Regulations Committee Chairman Doug Lueders called the meeting to order at 4 p.m. on August 12, 2013. 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 participating were: Ken Bowers (Kansas), Bill Burkholder (FDA), Gary Christian (Arizona), April Hunt (Michigan), Eric Nelson (FDA), Johanna Phillips, via phone (Idaho) and Richard TenEyck (Oregon).

Industry advisers present were: Scott Ringer and Richard Sellers (AFIA); Jan Campbell and David Fairfield (NGFA); Angele Thompson and Pat Tovey (PFI); and Doug Alderman (Wild Bird Feeding Industry).

Chairman Lueders informed members and advisers that committee minutes from the AAFCO 2013 Mid-year Meeting previously had been approved and are posted on the AAFCO website.

Old Business

Electronic Official Publication Workgroup Request: Mr. Lueders reminded the committee that the Electronic Official Publication (e-OP) workgroup previously had requested that the Model Bills and Regulations Committee review the workgroup's recommendation to remove the following items from the printed Official Publication and place them within the public section of the AAFCO website (page numbers listed are from the 2012 OP):

- AAFCO Model Good Manufacturing Practices, pages 196-205
- Model Feed Safety Program Plan, pages 222-236
- Voluntary Self Inspection Program (VSIP), pages 247-254
- Best Management Practices (BMPs), pages 255-269
- Enforcement Guidelines, pages 270-276
- Model Biosecurity Protocol, pages 277-279
- Emergency Response Preparedness, pages 280-283
- Analytical Variations (AVs), pages 284-285
- Contaminant Levels in Minerals, pages 287-291
- Enzyme Marketing Coordination, pages 327-333
- Medicated Feed Program, pages 292-326

Mr. Lueders noted that according to AAFCO's Official Publication and Removal Policy (page 86, 2013 Official Publication) the need to edit, remove or invalidate an item from the Official Publication is to be reviewed by the Model Bills and Regulations Committee and the committee is to make a recommendation to the Board of Directors concerning such proposed changes.

Mr. Lueders noted that the committee had considered the e-OP working group request during the AAFCO 2013 Mid-year meeting, but took no action.

The committee discussed the recommendation to remove the specified items from the printed Official Publication. It was the view of both committee members and industry advisers that the items should remain in the printed Official Publication so the information is readily available to purchasers. As such, it was moved by Mr. TenEyck and seconded by Ms. Hunt that the committee not accept the recommendation and instead leave the items in the printed Official Publication. Committee members unanimously approved the motion.

Further, the committee discussed the previous removal of AAFCO Meeting proceedings from chapter 7 of the 2013 printed Official Publication. It was moved by Mr. TenEyck

and seconded by Ms. Hunt that the committee recommend to the Board of Directors that the content in the 2014 printed Official Publication be restored to include all of the content headings included in the 2012 printed official Publication. Committee members unanimously approved the motion.

New Business

The committee proceeded to consider new business.

- **Feed Labeling – Regulation 3(a)(4)(iv)(a):** The committee reviewed proposed changes to the dairy animal classes listed in Regulation 3(a)(4)(iv)(a) as approved by the Feed Labeling Committee (attachment A-1). It was moved by Mr. Bowers and seconded by Ms. Hunt that the committee approve the proposed changes as recommended by the Feed Labeling Committee and forward such changes to the Board of Directors with the recommendation that they be presented to the membership for inclusion in the Official Publication. Committee members unanimously approved the motion.
- **Pet Food – PF3(b)(1):** The committee reviewed proposed PF3(b)(1) as approved by the Pet Food Committee (attachment A-2). It was moved by Dr. Burkholder and seconded by Mr. TenEyck that the committee approve the proposed changes as recommended by the Pet Food Committee and forward such changes to the Board of Directors with the recommendation that they be presented to the membership for inclusion in the Official Publication. Committee members unanimously approved the motion.
- **Committee Guidelines (Pages 80-87, 2013 Official Publication):** The committee reviewed proposed changes approved by the Strategic Affairs Committee to the Committee Guidelines, printed on pages 80-87 in the 2013 Official Publication (attachment B). After extensive discussion, it was moved by Mr. TenEyck and seconded by Mr. Bowers to approve the proposed Committee Guidelines as edited by the Model Bills and Regulations Committee and forward the guidelines to the Board of Directors with the recommendation that they be presented to the membership for inclusion in the Official Publication. Committee members unanimously approved the motion.

Adjournment

Given that no other business was identified, the committee meeting was adjourned at 6:40 p.m.

Committee Report/Minutes (e-meeting October 14 - 28, 2013):

Model Bills and Regulations Committee (MBRC) Chairman Doug Lueders initiated an e-meeting on October 14, 2013, to discuss proposed Civil Penalties language forwarded by the Enforcement Issues Committee (EIC) from their Saint Petes Beach meeting. Mr. Lueders instructed the committee and advisors that the MBRC was not debating the merits of the proposal but only reviewing the document for conformance to Model Bill grammar and formatting. Mr. Lueders distributed the document in marked-up Word form to the MBRC members, advisors and chair and vice-chair of the EIC. There were no additional edits offered.

On October 23, 2013, Mr. Breitsman made a motion to accept the EIC proposal as edited (**attachment C**) and forward it to the BOD with the recommendation that it conformed with the Model Bill and that the BOD review the proposal for future consideration of the Association membership. The motion was seconded by Mr. Christian. Chairman Lueders called for the vote asking for votes to be cast as Aye, Nay or Abstain. Chairman Lueders further noted that 6 aye votes were needed for passage and he would only vote to make or break a tie. Votes were collected from October 23rd through October 28th. Seven Aye votes were cast by Committee members Bachman, Bowers, Breitsman, Burkholder, Christian, Hunt and TenEyck. There were no Nay votes or abstentions. The motion carried.

On behalf of the Model Bills and Regulations Committee, I respectfully submit this semi-annual report and request acceptance of the report and recommendations by the Board of Directors and the Association Membership.

Model Bills and Regulations Committee (MBRC)

Attachments for August 12, 2013 meeting

Attachment A-1

Regulation 3(a)(4)(iv)(a): proposed changes in red

- a. Dairy Animal Classes
 - (1) Veal Milk Replacer
 - (2) Herd Milk Replacer
 - (3) Starter
 - (4) Non-Lactating Dairy Cattle: Replacement Dairy Heifers, Dairy Bulls and Dairy Calves
 - (5) Lactating Dairy Cows
 - (6) Dry Dairy Cows

Attachment A-2

Pet Food Regulation PF3 (b)(1)

(b) An ingredient or combination of ingredients may form part of a product name of a pet food or specialty pet food:

(1) When the ingredient(s) constitutes at least 95% of the total weight of the product. Water sufficient for processing may be excluded when calculating the percentage; however, the ingredients shall constitute at least 70% of the total product weight.

AAFCO Model Pet Food Regulation PF3 (b)(1) will read as follows:

(b) An ingredient or combination of ingredients may form part of a product name of a pet food or specialty pet food:

(1) When the ingredient(s) constitutes at least 95% of the total weight of the product. Water sufficient for processing may be excluded when calculating the percentage; however, the ingredients shall constitute at least 70% of the total product weight.

Attachment for October 14-28, 2013 e-meeting

Attachment C

Section 14. Penalties.

(g) Any person who violates any of the provisions of this Act or an order, standard, stipulation, agreement, citation, or schedule of compliance of the _____ or impedes, hinders, or otherwise prevents or attempts to prevent performance of a duty by the _____ in connection with this Act may be subject to a civil penalty of up to \$_____ per violation, per day as determined by the _____.

(h) In an action to compel performance of an order of the _____ to enforce this Act, the court must require a defendant adjudged responsible to perform the acts within the person's power that are reasonably necessary to accomplish the purposes of the order.

(i) The civil penalties and payments provided for in this section may be recovered by a civil action brought by the _____ in the name of the state.