

## **Model Bills and Regulations Committee Report**

2016 AAFCO Annual Meeting

August 1, 2016

Pittsburgh, Pennsylvania

### **Committee Recommendations:**

- 1.) The Model Bills and Regulation Committee (MBRC) recommends that the AAFCO Board of Directors review **Attachment 1** for consideration by the Association membership.
- 2.) The MBRC recommends that the AAFCO Board of Directors review **Attachment 2** for consideration by the Association membership.
- 3.) The MBRC recommends that the Board of Directors considers the deletion of AAFCO Model Good Manufacturing Practice Regulations for Feed and Feed Ingredients and associated checklist from the AAFCO Official Publication (pages 230-239 of the 2016 hardcopy OP) and replacing the deleted information with a html reference link and a citation to the CGMP's Title 21, CFR part 507.14 – 507.28 and associated checklist (when developed) and forward to the Association membership for consideration.

### **Board Recommendations:**

### **Association Actions:**

### **Committee Report and Minutes**

April Hunt called the meeting to order at 1:35pm. She graciously filled in for MBRC Chairman Doug Lueders at his request as he was unable to attend. Committee members and industry advisors provided introductions.

In addition to April Hunt (Michigan), committee members in attendance were: Tim Darden (New Mexico), Mike Davidson (California), Ken Bowers (Kansas), Eric Nelson (FDA), Bill Burkholder (FDA), and Richard Ten Eyck (Oregon).

Industry advisors present were: Jan Campbell, David Dzanis, David Fairfield, Susan Hays, Angela Mills, Scott Ringger, Angele Thompson, Pat Tovey, and Emily Helmes.

There were no committee members or industry advisors participating by phone.

## **Minutes from Previous Committee Meetings**

The minutes from January 18, 2016 meeting in the Isle of Palms, South Carolina were approved as written on April 5. The minutes are published in the Feed BIN and also in this meeting's packet.

### **Preventive Controls (PC) Harmonization Work Group Report, Attachment C**

April Hunt, chair of the PC Harmonization Working Group gave a report of the Working Group's activities since the January Midyear meeting. Attachment C is new take on the feedback the Working Group received at the Midyear meeting. The Working Group was tasked in August 2015 to review the AAFCO Model Bills and Regulations for harmonization with the Food Safety Modernization Act (FSMA) preventive control rules for animal food.

Motion to accept the report was made by Mr. Bowers. Second by Mr. Darden. Discussion followed. The motion was carried.

A motion to accept Items 1 and 2 in the working group report was made by Mr. Bowers. Second by Mr. Darden. The motion was carried.

Ms. Hunt explained that Item 3 in Attachment C is a proposal to delete the AAFCO Model GMPs if 1 and 2 are adopted and replace with FSMA animal food rules. The AAFCO Model GMPs are on pages 230 to 239 of the 2016 Official Publication.

A motion to approve Attachment C, Item 3 by Mr. Burkholder. The motion was seconded by Mr. Ten Eyck.

There was a question about how states, like Kansas and Michigan, which have adopted the AAFCO GMP's, would be impacted. The year of adoption of the language is the year the state uses in its law, so states will use the adoption year version until replacing it with updated state legislation. Ms. Cook asked if AAFCO hold GMP's in place for 1 more year to give states time to adjust their legislation. Mr. TenEyck clarified that the MBRC voted to accept the FSMA Animal Food Rule GMP's to avoid having 2 sets of GMP's in the US. There will be no gap in having GMP's. Mr. Sellers commented that coordination will be also be needed on export certificate requirements. There was a question whether the GMP checklist will be tied to AAFCO GMP's or the FSMA GMPs? Mr. TenEyck clarified that the checklist will evolve to be the FSMA GMP checklist and replace the AAFCO checklist.

The motion to approve Attachment C, Item 3 was passed on a voice vote.

Item 4 in Attachment C was discussed. It would modify the language in section 11(a) of Model Bill to accommodate the change from AAFCO's GMPs to the FSMA Animal Food Rule GMPs (507 rules). After discussion, the MBRC's consensus was that the language in #4 was clearer than the alternate language.

Mr. Ten Eyck moved to strike the alternate language sentence from the Attachment C, Item 4. Mr. Bowers seconded the motion. The MBRC approved the motion in a voice vote. with one dissenting vote.

The Feed PC Harmonization Working Group will continue with harmonization activities by reviewing the entire Model Bill and Regulations for consistency and uniformity.

## **Old Business**

Attachment B was not addressed in South Carolina due to time constraints. Mr. Sellers explained that some of the items are purely editorial and do not need a vote, like “commercial feed” compared to “feed.” Mr. Ten Eyck and Mr. Burkholder asked Mr. Sellers to discuss the Section 4 Registration language that specifies rules when labels could be requested. The proposed language in Attachment B suggests a state has to have a rule in place in order for a state to demand all of a company’s labels. Requiring label submission is a product registration requirement vs. licensing which does not have a product registration component. Every state had product registration at one time but several have now gone to licensing only or licensing and small package registration for pet food.

The term “domesticated” from the 4<sup>th</sup> item on the first page was discussed and that it excludes zoos. Mr. Dzanis was concerned about use of “domesticated” in specialty pet section (such as tortoises and fish that are captive bred). Mr. Sellers explained that this came out of the lack of definition of dog and cat at the federal level in 2000.

Mr. Ten Eyck moved to approve the editorial corrections to the Model Bill in the Official Publication with the exception of the 4<sup>th</sup> section including “domesticated” and the last 2 sections on product registration and licensing. Mr. Darden seconded. Motion passed.

Richard Ten Eyck moved to place the removed items on Attachment B on the January 2017 agenda so we don’t lose them. Mr. Darden seconded. Motion passed.

## **New Business**

Ms. Hunt noted that the Feed PC Working Group identified other areas in the Model Bill and Regulations could be reviewed for consistency. There is interest in having the working group develop a plan to go through entire Model Bill and Regulations to review and harmonize them. Mr. Davidson commented that California is interested in having Veterinary Feed Directive (VFD) language added to the Model Bill. Ms. Hunt commented that Michigan included VFD language in its law last year.

Ms. Hunt, as acting MBRC chair, appointed the Feed PC Harmonization Working Group to this project. Others are welcome to volunteer. Ms. Hayes volunteered to help. The working group will look into holding a full day face to face meeting right before or after the AAFCO Board meeting in Washington DC in October.

Mr. Burkholder asked about the items in Attachment A. Attachment A, item 1 was addressed previously in Preventive Controls (PC) Harmonization Work Group Report (Attachment C). Mr. Ten Eyck stated that the feed and food definitions and terms (Attachment A, Items 2 and 3) are on the Ingredient Definitions Committee agenda on August 2. The Attachment A Item 4, recall plan action item was not addressed and Attachment A(2) was previously addressed in Preventive Controls (PC) Harmonization Work Group Report (Attachment C).

The meeting was adjourned at 2:45 pm.

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 AAFCO Board of Directors and the Association Membership.