

**Model Bills and Regulations Committee Report**  
**2016 AAFCO Midyear Meeting**  
**January 18, 2016 – Isle of Palms, South Carolina**

**Committee Recommendations:**

1. The Model Bills and Regulations Committee recommends that revisions proposed by the Pet Food Committee to Model Pet Food Regulation 9(a) as stated in Attachment B conform to the Model Bill and Regulations and that the AAFCO Board of Directors review the proposal for future consideration of the Association membership.

**Board Recommendations:**

**Association Actions:**

**Committee Report and Minutes (January 18, 2016):**

Model Bills and Regulations Committee Chairman Doug Lueders called the meeting to order at 2:45 p.m. on January 18, 2016. He welcomed committee members, industry advisers and guests who were present, and reviewed the agenda. He asked if there were any suggested changes to the agenda or additional topics to be brought before the committee, and none were offered.

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

There were no committee members participating by phone.

Industry advisers present were: Angela Mills and Scott Ringger (AFIA); David Dzanis (APPA/ACVN); 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 Aug. 4, 2015 committee meeting conducted in Denver and minutes from the supplemental e-committee meeting conducted Aug. 27-Sept. 9, 2015 were previously approved, posted on the AAFCO website and were included in the 2015 Midyear Meeting's General Session packet.

**Old Business**

Chairman Lueders noted the committee had no old business to consider.

## New Business

The committee proceeded to consider new business.

1. Food Safety Modernization Act (FSMA) Harmonization with AAFCO Model Bills and Regulations
  - a. FSMA Harmonization Workgroup Recommendations: Chairman Lueders noted that individuals participating within the workgroup created to review the AAFCO Model Bills and Regulations for harmonization with FSMA rules, in addition to himself, are Ms. Hunt, Mr. Ten Eyck, Mr. Fairfield, Mr. Tovey, and Ms. Wilkinson. Chairman Lueders invited a motion to accept the workgroup's recommendations for discussion. Mr. Ten Eyck moved to accept the recommendations for discussion. The motion was seconded by Mr. Darden. Committee members approved the motion by a voice vote.
    - i. Attachment A, Item 1: Ms. Hunt reviewed the workgroup's recommendation as stated in Attachment A, Item 1, noting that the intent was to provide different options of language that states could add to their feed laws to adopt federal food and drug rules.

It was moved by Mr. Ten Eyck that the committee accept the recommendation as stated in Attachment A, Item 1 and forward it to the AAFCO Board of Directors with the recommendation that the proposed language be added to the Model Bill and Regulations and that the Board of Directors review the proposal for future consideration of the Association membership. The motion was seconded by Ms. Hunt.

The committee discussed the recommendation. Some committee members expressed opinions that the parts of the Code of Federal Regulations, title 21, referenced within Option A should be changed. Other discussion questioned whether there was a need for the recommended language given that Section 10(a)(2) of the Model Bill and Regulations already provides states the opportunity to adopt any regulation promulgated pursuant to authority of the Federal Food, Drug, and Cosmetic Act.

Following discussion, committee members voted on the motion. The motion failed by a 4 to 2 vote. In response, Chairman Lueders directed the workgroup to reconsider Attachment A, Item 1 given the committee's comments.

- ii. Attachment A, Items 2 and 3: Ms. Hunt reviewed the workgroup's recommendations as stated in Attachment A, Items 2 and 3. She noted that the proposed definition for "animal food" was being recommended to provide consistency with Code of Federal Regulation, title 21, part 507.3,

and was necessary since FSMA-related rules use such a definition. Ms. Hunt also noted that the proposed revision to the definition of “feed(s)” was being made so that the definition better harmonized with the recommended definition for “animal food” and to make the definition gender neutral.

The committee discussed the recommendations as stated in Attachment A, Items 2 and 3. During the discussion, some concerns were raised that the recommended definition for “animal food” was not completely consistent with the definition for “animal food” established in Code of Federal Regulation, title 21, part 507.3. Regarding the recommended revisions to the definition of “feed(s)”, opinions were expressed that components of the definition were not comprehensive or completely accurate, and, that if the definition were to be revised, additional changes should be made.

Following discussion, Chairman Lueders tabled Attachment A, Items 2 and 3, and directed the workgroup to reconsider the items given the committee’s comments.

- iii. Attachment A, Item 4: Ms. Hunt reviewed the recommendation as stated in Attachment A, Item 4 to add facility recall plans as Section 8 of the Model Bill and Regulations. She noted the recommended language was based upon Code of Federal Regulation, title 21, part 507.38.

The committee discussed the recommendation as stated in Attachment A, Item 4. Some views were expressed that the recommendation was not consistent with FSMA requirements since the language would apply to all commercial facilities, and not just those that fall under the requirements of Code of Federal Regulation, title 21, part 507.38. Other views were expressed that recall requirements are best established at a federal level so as to maintain consistency, since a given recall may extend into multiple states.

Following discussion, it was moved by Mr. Ten Eyck to table consideration of Attachment A, Item 4 until the committee’s next meeting. The motion was seconded by Mr. Nelson. The committee approved the motion by a voice vote.

- iv. Attachment A(2). Ms. Hunt reviewed Attachment A(2), which recommended changes to Model Bill and Regulations Section 11(a) to accommodate adoption by states of FSMA rules.

Following discussion, it was moved by Mr. Burkholder to table consideration of Attachment A(2) until the committee’s next meeting. The

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

2. Revisions to Model Pet Food Regulation 9(a). The committee considered the recommendation from the Pet Food Committee to revise Model Pet Food Regulation 9(a) as stated in Attachment B.

Following discussion, it was moved by Mr. Burkholder that the committee recommend that revisions proposed by the Pet Food Committee to Model Pet Food Regulation 9(a) as stated in Attachment B conform to the Model Bill and Regulations and that the AAFCO Board of Directors review the proposal for future consideration of the Association membership. The motion was seconded by Mr. Darden. The committee approved the motion by a voice vote.

3. Model Bill Discrepancies, AFIA Findings: Due to the lack of time, Chairman Lueders tabled discussion of the proposed Model Bill discrepancies identified by AFIA as stated in Attachment C until the committee's next meeting.

### **Assignments/Homework for Annual Meeting**

Chairman Lueders directed the FSMA Harmonization Workgroup to reconsider Attachment A, Items 1, 2 and 3 given the committee's comments.

### **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 3:50 p.m.

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.

## **Model Bills and Regulations Committee Attachments for January 18, 2016 meeting**

**Add Attachment A, Attachment A(2), Attachment B and Attachment C to end of minutes.**