



Questions and Answers Concerning Pet Food Regulations *Prepared by Dave Syverson, Chair, AAFCO Pet Food Committee*

1. I understand most regulation of pet food is done by states. Do you think it's adequate and enforced? What enhancements would AAFCO like to see?

a) Most of the routine day to day pet food regulation is performed by the states; however, there is a necessary synergy between the State feed control operations and the US Food and Drug administration. The FDA is primarily concerned with interstate distribution of products it regulates, which does include pet food among a lot of other items. It is important to remember that the States and FDA are also engaged in the responsibility of regulating the feed of all food producing animals and companion animals, enforcing the feed ban regulation and assuring that animal drugs are used correctly. In an interstate situation like the contamination we have experienced, the FDA is the agency which is in the best position to deal with it because its authority crosses all state lines, while the authority of any one state stops at their border. States can only address sites within their borders and products which are distributed inside their borders.

b) The adequacy of state pet food regulatory activity would have to be assessed on a state by state basis. A number of factors may result in differences among states. The laws and rules of each state and the extent of the feed control programs are not necessarily the same since the legislative and administrative bodies of each state may arrive at different conclusions because of any one of a number of reasons. State feed programs may have different levels of enforcement because of funding, staffing and other resource differences. States differ in demographics from tens of millions of citizens to a few hundred thousand inhabitants while some are fairly cosmopolitan yet others are essentially rural. Demographics play a role in resources available and decisions made by the lawmakers and administrations of the states. In spite of the fact that each state writes its laws and rules independently, we have been fortunate to have the majority of the state feed regulations fairly uniform because they are usually based on the AAFCO model bill and model regulations.

c) Please review the following paragraphs well, because this is the essence of AAFCO's stance on process controls for all animal feeds, including pet foods. There are specific process control regulations for medicated article production, medicated feed manufacturing and low acid canned products; however, there are no specific process control regulations for feed, including pet food if it is non-medicated. The federal and state laws rely on general misbranding and adulteration regulations as well as labeling requirements and approved ingredient definitions in this case. AAFCO's perspective is that process controls could proactively complement existing regulations and be a better instrument for preventing adulteration because the controls should be constantly applied to all products during all activities of ingredient procurement, manufacturing, distribution and storage.

AAFCO's role is in developing model statute and model regulation, as well as ingredient definitions and terms for feed (more on ingredients later) so that the state regulators have a national standard which they can then use when they write the laws and rules which become enforceable by the states in the hope that a degree of uniformity may be achieved among state

jurisdictions. A person may also see AAFCO's statement of purpose and function on its website at www.aaafco.org in order to get a better understanding of AAFCO's role.

Regarding AAFCO's process control promotion, please go to the portion of the AAFCO website found at: <http://www.aaafco.org/OtherInformation/tabid/73/Default.aspx>. There are two documents which you can select in PDF format: 1) Guidance/Framework for best management practices for Manufacturing, Packaging and distributing Animal Feeds and Feed Ingredients; and, 2) an accompanying checklist. The reason I am pointing this out is because AAFCO has developed this document as guidance intended to be used by industry when developing their internal process control systems. This guidance, while not a model regulation at this point in time, may possibly be used to template regulations which would intend to prevent a number of problems, including contamination through ingredient sourcing.

A third document on the same page titled "White Paper"; Background on AAFCO Process Control, will provide you with the genesis and history of the Guidance/Framework for best management practices for Manufacturing, Packaging and distributing Animal Feeds and Feed Ingredients document. ***It is fairly important to note that AAFCO foresaw a need for process controls for all feed products long before the current pet food contamination.***

2. Does AAFCO maintain lists of allowable and/or forbidden ingredients? If so, what's not allowed?

Feed and food regulations explicitly provide several due processes for ingredient approval including: a.) Prior sanctioned (which is essentially feed/food grains); b.) GRAS (Generally Recognized As Safe – an official review process for certain ingredients); c.) Food Additive Petition (which is a more exhaustive review than GRAS because of the nature of the feed additive); d.) An approved new animal drug (very few are approved for use in pet foods at all); e.) An AAFCO Feed Ingredient Definition (which means that FDA has done a review for safety). There is no list of forbidden ingredients because they are forbidden unless they are approved. The AAFCO Official Publication (OP) contains the most comprehensive list of approved feed ingredients available; however, some approved ingredients are not in the OP because they are listed elsewhere, such as in the Federal CFR. If an ingredient is not approved, it is forbidden. The establishment of safety, efficacy and utility through one of the aforementioned due processes is required before an ingredient can be used in a feed or food product.

3. Is there much room for manufacturers to put in strange additives? Is there anything pet owners would be surprised to learn was in pet food?

There is no allowance for inclusion of any ingredient unless that ingredient is an approved feed ingredient. Any firm incorporating an unapproved substance; or using an approved substance for an unapproved purpose is adulterating their products. Manufacturers, guarantors and distributors bear the responsibility for providing only correctly labeled unadulterated products to the marketplace.

4. Am I correct that parts from sick, dying, or dead animals are allowed? Doesn't this pose a health risk to pets?

Animal by-products which may include materials from animals which died by means other than slaughter are explicitly defined as adulterated unless the materials are rendered in compliance with animal health and protein product regulations to destroy any potential microorganisms which may be in the products. The processes used are deemed to be adequate to control risk of disease.

5. Beef spines and brains are allowed? Isn't there a concern for BSE (or Feline spongiform encephalopathy in cats, for example?)

The current "Feed Ban", federal regulation 21CFR589.2000 does not prohibit these materials from render by-products for non-ruminant animal feeds and such materials may be used in animal feeds including livestock feeds and pet foods. The threat of BSE has been determined to be minimal from materials sourced within the US as evidenced by USDA sampling of animals at slaughter.

6. AAFCO regulations deal primarily with nutrient levels, correct? So it doesn't matter if the protein comes from chicken feet or corn or filet mignon?

If we are concerned with nutrient levels, it is important to understand that we are talking about a specific part of the regulation, i. e. nutritional adequacy. The full regulations, in fact, deal with a number of aspects including adulteration, misbranding, ingredient & feed term definitions, formulation, labeling, guarantees, additives, nutritional adequacy, feeding directions, calorie content and descriptive terms used in labeling.

Nutritional adequacy requires that all required nutrients must exist in the correct amounts and in the correct ratios; however, the specific nutrients may be assembled from a variety of ingredients. If consumers have a preference for certain ingredients, they should review the ingredient list to determine if their preferences are being met.

7. Does most of the protein come from scrap and byproducts left over from human meat processing?

The animal proteins used in feeds are frequently, but not exclusively derived from the production of human food.

8. Does most/much come from grains? Why? Is it simply that grains are cheaper, or is it a useful way to use agricultural surplus?

Grains and Grain by-products are used in the formulation of animal feeds including pet foods. I don't have access to objective information about the relative prevalence of grain protein products versus animal products. Economics plays a part in any ingredient selection; however, the selection of ingredients must primarily be based on ingredients which will provide the necessary nutrients in the correct ratios, usually dictating that a variety of ingredients from both sources are used.

9. Is protein from grain nutritionally equivalent to protein from meat?

Any protein ingredient, including ingredients sourced from grain products and animal products will have its unique nutrient composition. Corn will have about 8% Crude protein and Oats will be more like 11% with a rather large carbohydrate portion while meat and bone meal will have approximately 50% Crude protein and will include substantial amounts of calcium and phosphorous. Soybean meal will be somewhere between 44-46% crude protein. In any case, protein is not simply protein. Ingredients providing protein have specific amino acids which may or may not match the amino acid profile required by a cat or a dog so it is normally necessary to formulate a product from a variety of protein ingredients to achieve a complete and balanced food product. The key to protein formulation is providing a product which has all of the specific amino acids the cat or dog needs in the correct ratios. As you may well know, cats in particular do need taurine, and it is frequently added as a specific ingredient to supplement the existing protein because it is difficult to provide sufficient quantities any other way.

10. Are things like beets and spinach added simply to appeal to consumers? I was told that they are usually present in such miniscule amounts that they have no nutritional effect but merely a "label presence." Are there any guidelines to prevent this kind of marketing trick?

Because cats and dogs do not select their own foods, and their human owners do, it is not rare at all that labeling and marketing information is designed to appeal to the latest trend in marketing human products. The antidote? Remember that pet food is needed to provide nutrition. The nutritional adequacy statement, the ingredient list and feeding directions will provide the consumer with the best estimate of the nutritional value and correct use of the product. Other label information may be useful, or interesting, or a bit of puffery, but remember the product must first serve its intended purpose of providing complete and balanced nutrition for the particular life stage of the animal and that is not likely seen in big type on the front of the bag.

11. I was surprised to learn that so many brands are produced by one manufacturer. Is there really much difference between brands? Are they mostly just different formulations of the same ingredients?

The pet food business is not much different than many other businesses in this respect. Multiple Brands and different guarantors may go back to a common manufacturer. Regarding the similarity or difference of various brands produced by a manufacturing plant, some are similar and some are different. In some cases, a packer will have a number of off the shelf formulations for which nutritional adequacy has been determined. The distributor may elect to use one of these off the shelf formulations under their packaging. In many cases, a distributor will provide a formula to the manufacturer which is specific to the distributor. In other cases, a distributor may contract to use an existing formula which is nutritionally equivalent but modify it, for instance, by using turkey rather than chicken. Manufacturing plants are normally designed and operated for a specific product processing type. Canned products will be from a plant which has the equipment to process and pack these products. Kibble production requires quite different equipment and some places specialize in biscuit or semi-moist products. The large box distributors do not have manufacturing capability and they will normally contract with different manufacturing plants to get all the product types they distribute, depending on what type of product the plant can make.

12. Before the recent melamine incident, was there suspicion within the industry that there was potential for this kind of deceit in products from foreign manufacturers? Are melamine and similar products expressly forbidden, or wasn't there reason for concern before this incident?

I can't speak to suspicions within the industry because I do not work from within their system; however, the movement to a global economy introduces potentials which are not a factor in a local economy including different standards, regulations and ethics at the source. Regarding melamine, it is unapproved for use in food and feed including pet food in the U.S. and should never have been introduced into a food or feed product. Please refer to my comments under your question 2 above regarding ingredient approval methods. Melamine does not meet any of the standards I described therefore it is an adulterant.

From what I have been able to discern of this incident, prior to the recall, melamine was not a contaminant which was on anyone's radar screen. There are a number of contaminants which are known and of concern and which are monitored for. Melamine was not one of them.