

AAFCO Press Release Fact Check

On May 30, AAFCO's Executive Director Austin Therrell provided the press release, "AAFCO Perspective on a Proposed New Federalized Regulatory System for Pet Food." The points below address specific concerns raised in the press release. It is important to note that AAFCO had not reviewed a copy of the proposed legislation prior to issuing the press release, although PFI had provided a high-level summary of the proposal to AAFCO. It is not clear whether AAFCO will still feel so strongly opposed to the proposal once it reviews a complete copy of the legislation.

In brief, PFI is supporting legislation that would replace the current inefficient patchwork approach between states and the federal government with consistent, high national standards that are transparent, clearly defined, and encourage innovation and speed to market. The legislation provides centralized federal regulatory oversight and eliminates inconsistent state interpretations and decisions adversely affecting ingredient and pet food label approvals.

In its press release, AAFCO raised the following concerns:

AAFCO Statement: "AAFCO predicts that a federal-led system will significantly decrease the number of qualified inspectors in the marketplace and reduce the regulatory oversight of pet food and pet food ingredients."

PFI Response:

- The proposed legislation would not change the Food Safety Modernization Act (FSMA) or the ability of state regulators to conduct inspections for FDA. Further, livestock feed and specialty pet food will still be regulated under state feed laws.
- State agencies that are contracted through the FDA for Current Good Manufacturing Practice (CGMP) and Hazard Analysis inspections under the Food Safety Modernization Act (FSMA) would still perform this important work.

AAFCO Statement: "Prohibiting state-led inspections at manufacturing facilities across the country would eliminate the routine collection of tens of thousands of samples for potential contaminants or adulterants, which may dangerously impact animal health and reduce consumer confidence in the marketplace."

PFI Response:

- State inspectors would continue to conduct the important function of conducting food safety inspections under FSMA. While performing these inspections, the state inspector would continue to collect these samples.
- According to PFI members, many samples collected during the inspection process are not currently analyzed for food safety hazards (FSMA Preventive Controls) such as pathogens or mycotoxins, but instead are collected and tested for label compliance concerns. Typically, pet food is tested for those items found in the guaranteed analysis section of the product label - crude protein, crude fiber, or moisture.

- The proposed legislation would not change FSMA or state cooperative agreements with FDA. Livestock feed and specialty pet food will still be regulated under state feed laws.
- According to a consumer outreach poll conducted by PFI, nearly 9 in 10 pet owners agree the process for regulating pet food products should be similar to the way human food products are regulated. And 84% agree the process of regulating pet food products should be done by a federal agency primarily focused on pet nutrition similar to the way human food products are regulated.

AAFCO Statement: “A completely federalized system would offer pet food manufacturers a loophole to avoid state inspections, sampling and the oversight of marketing claims.”

PFI Response:

- The proposal calls for dog and cat food and treats to be regulated more like human foods (under a centralized federal approach), instead of how livestock feeds are currently regulated (federally and state-by-state). While the federal food safety regulations updated by FSMA will continue to keep pet food safe, the proposed legislation would centralize regulatory authority over dog and cat food and treats with the FDA.
- State Departments of Agriculture and many other state agencies and officials have always played an important role in supporting the manufacture of pet food products across the United States, and this collaboration would continue. State employees often work closely with pet food makers, and with the FDA to provide state safety inspections of facilities under FSMA, which will continue.
- There is no requirement that pet food product labels have premarket approval by the FDA. However, FDA reviews specific claims on pet food, such as “maintains urinary tract health,” “low magnesium,” and “hairball control.” FDA’s review and acceptance of the claim is needed before the claim is used on product labeling.

AAFCO Statement: “A single federal regulatory system, without these local state partnerships, cannot have this level of awareness and surveillance in the marketplace to respond and take action on illnesses, recalls and issues quickly and effectively.”

PFI Response:

- FSMA gives FDA mandatory recall authority. Using the tools under FSMA and good business practices such as supply chain control and lot codes, both FDA and industry have shown the ability to remove products swiftly and efficiently from the market in the rare instance of a voluntary recall being warranted.
- The proposed legislation would not change the ability of state regulators to conduct food safety inspections for FDA.
- PFI’s proposal would not impact state safety inspections of facilities under FSMA and does not prohibit any cooperative agreements between FDA and the states.