



December 31, 2020

California Department of Public Health - Food and Drug Branch
1500 Capitol Ave, MS 7602
Sacramento, CA 95814

Notice of Informal Stakeholder Engagement for Amending Processed Pet Food Regulation

Dear Sir or Madam:

The following comments are submitted on behalf of the California Grain & Feed Association (CGFA), the American Feed Industry Association (AFIA), the Pet Food Institute (PFI) the National Grain and Feed Association (NGFA) and the North American Renderers Association (NARA). Our associations appreciate the opportunity to provide informal comments to the California Department of Public Health (CDPH) regarding a proposed amendment of the current processed pet food regulations prior to the start of the formal promulgation process pursuant to the California Administrative Procedures Act.

The CGFA, established in 1938, is a state-wide trade association composed of more than 300 members, representing all segments of the grain and feed industry. These firms are engaged in the warehousing, processing, manufacturing, handling, in grain processing and handling, feed and feed ingredient manufacturing, grain and feed merchandising, integrated poultry and livestock operations, transportation, mill equipment suppliers and more. The members of CGFA are an integral part of the agriculture industry in California. The focus of CGFA is largely on state activities and issues as well as education and professional interaction. The CGFA also promotes education of future industry members through scholarship and internship programs for college students through its own CGFA Career Center.

Founded in 1909, the AFIA is the world's largest organization devoted exclusively to representing the business, legislative and regulatory interests of the U.S. animal feed, feed ingredients and pet food industry and its suppliers. With nearly 700 domestic and international

members, the AFIA represents more than 75% of the feed and 70% of the non-whole grain ingredients manufactured in the United States.

Established in 1958, PFI is the trade association and the voice of U.S. cat and dog food manufacturers. PFI members account for the vast majority of the dog and cat food made in the United States, with more than \$31 billion in domestic annual dog and cat food sales and annual exports of around \$1.6 billion. We are proud of our strategic alliance with the National Grain and Feed Association, as well as our coordination with the American Feed Industry Association and the North American Renderers Association on a range of issues related to the production of safe pet food.

NGFA, established in 1896, consists of more than 1,000 grain, feed, processing, exporting and other grain-related companies that operate more than 7,000 facilities and handle more than 75% of all U.S. grains and oilseeds. Its membership includes grain elevators; feed and feed ingredient manufacturers; biofuels companies; grain and oilseed processors and millers; exporters; livestock and poultry integrators; and associated firms that provide goods and services to the nation's grain, feed and processing industry. NGFA also consists of 33 affiliated State and Regional Grain and Feed Associations, and has strategic alliances with Pet Food Institute and the North American Export Grain Association.

NARA is the international trade association for the rendering industry that safely and efficiently recycles animal and vegetable agriculture by-products into valuable ingredients for the livestock, pet food, chemical and consumer product industries in a manner that protects our environment. NARA's membership represents more than 95% of the rendering capacity in the United States and Canada by independent renderers and integrated packer/renderers (those that process their own by-products).

In the call for stakeholder input, the CDPH stated the purpose for opening the processed pet food regulations for comments is to improve the quality of the current regulations. Our associations urge the CDPH to adopt, either in part, as a whole or by reference, the pertinent pet food model regulations as published in the Official Publication of the Association of American Feed Control Officials (AAFCO). Our associations make this suggestion to achieve harmonization of state regulations which assists our member companies doing business in multiple states. Harmonization of label requirements will also provide protection for consumers who can come to rely on pet food labeling to be consistent no matter where they purchase their products.

Created in 1909, AAFCO conducts two meetings per year and carries out significant committee work year-round in support of a structure to promote regulatory uniformity and predictability across all states. We recommend that CDPH review the current work regarding pet food that is occurring within the AAFCO pet food committee, specifically the development of guidelines for the use of human grade marketing claims and a process to undertake modernization of regulatory requirements for pet food labels. By adopting the AAFCO pet food regulations the CDPH will assure appropriate updates to the regulatory oversight of pet foods.

The CDPH is encouraged to take a more active role within the AAFCO organization to increase awareness of existing and developing pet food regulatory standards. In the U.S., animal food regulations are enforced by state and federal regulatory officials who provide subject matter expertise in animal science, animal nutrition, feed and pet food label compliance, field operations for inspection staff and program administration. The AAFCO provides a forum for these regulatory officials to come together and create model guidance to ensure that the regulation of animal food, including pet food, is as uniform as possible from state to state and responds to scientific and marketplace developments.

Responses to Questions for Informal Stakeholder Engagement –Processed Pet Food

1. Are there any terms commonly used on processed pet food labels that should be included in the regulations? **Our associations recommend the adoption of terms currently approved for use by AAFCO starting on page 340 of the print version of the 2020 AAFCO Official Publication. Furthermore, chapter six of the Official Publication, Official Feed Terms, Common or Usual Ingredient Names and Ingredient Definitions, should be adopted in its entirety to bring these ingredients and terms into the California pet food regulatory system.**

2. Regarding human grade food for pets, are there studies, data, or other information CDPH should consider in development of its labeling regulations. **Please refer to the guidance being developed by the AAFCO pet food committee human grade working group tasked with development of standards to substantiate “human grade” pet food marketing claims. The working group is comprised of state and federal regulators and industry. The goal of the guidance is to facilitate harmonization of pet food “human grade” marketing standards across all the states.**

3. Do your organizations have a position on allowing the use of the term “human grade” in reference to less than the whole product, for example a single ingredient? **The definition of human grade pet food found on page 341 of the print version of the 2020 AAFCO Official Publication states that *every ingredient* and the resulting product must be consistent with human edible food. As of December 2020, the draft AAFCO human grade guidance does not recognize single ingredient human grade marketing claims.**

4. Regarding natural food for pets, is there information CDPH should consider in development of its labeling regulations? **The AAFCO Official Feed Terms include a definition for natural feed, feed ingredients and pet food. Guidelines for use of this term can be found on page 341 of the 2020 print edition of the AAFCO Official Publication. We encourage the CDPH to adopt the AAFCO definition of “natural” and the associated guidelines for pet food.**

5. What is the most important issue for CDPH to consider in relation to labeling of processed pet food? **We recommend that CDPH adopt, either in part, as a whole or by reference, the pertinent pet food model regulations as published in the AAFCO’s Official Publication. In addition, we recommend that CDPH become active participants in the current work occurring within the AAFCO committees, specifically the development of human grade guidelines and the pet food label modernization process being developed by the AAFCO**

pet food committee. The label modernization process is a multi-year effort which includes stakeholder focus groups, marketplace research and input from state and federal regulators and industry. The human grade working group includes input from state and federal regulators and industry.

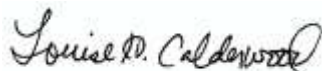
6. What issue(s) should CDPH be aware of in establishing its labeling regulations? We re-emphasize our recommendation that CDPH adopt, either in part, as a whole or by reference, the pertinent pet food model regulations as published in the AAFCO Official Publication and that CDPH actively engage with the AAFCO and its committees who are working on the oversight and regulation of pet food. The understanding of pet nutrition is constantly evolving along with ever changing marketplace forces which necessitate regular review of existing regulations. The AAFCO provides the platform for state and federal regulators and stakeholders to address regulatory change in a deliberate and uniform manner. Through two meetings per year and an established committee process the AAFCO provides an established forum where state agencies, federal agencies and industry can respond to these changes and develop uniform language that states may adopt or reference into their own laws and/or regulations. As mentioned above, the AAFCO is in the midst of a multi-year effort to modernize pet food label regulations. The process includes stakeholder focus groups, marketplace research and input from state and federal regulators and industry.

Thank you for soliciting our written comments and suggestions for amendments to the existing processed pet food regulations in your effort to improve the quality of the current regulations. Our associations look forward to additional opportunities to discuss amendments to the regulations as you work through your review process. For further information or to address any questions you may have please contact Louise Calderwood, lcalderwood@afia.org.

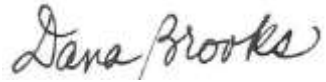
Sincerely,



Chris Zanobini
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California Grain and Feed Association



Louise H. Calderwood
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Dana Brooks
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