

Wednesday, December 30, 2020

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

[SUBJECT: Notice of Informal Stakeholder Engagement for Amending Processed Pet Food Regulations]

Dear Sir or Madam:

The Pet Food Institute (PFI) appreciates the opportunity to provide comments regarding the Notice of Informal Stakeholder Engagement for Amending Processed Pet Food Regulations, which was announced by the Health and Human Services Agency of the California Department of Public Health (CDPH) on December 1, 2020.

Established in 1958, PFI is the trade association and the voice of U.S. cat and dog food manufacturers. Our 25 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. PFI membership also includes companies that supply ingredients, equipment and services to dog and cat food makers. Many of our members are California companies that, while contributing products and services to the pet food industry, also provide employment and benefits to California residents. 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.

PFI members and their products are subject to regulatory oversight by both the U.S. Food and Drug Administration (FDA) and state departments of agriculture or health. Both FDA and state agencies are active participants in the Association of American Feed Control Officials (AAFCO), an important standard setting body for animal feed, including pet food. We share the commitment shown by federal and state agencies, as well as AAFCO, to pet food safety and we're proud of our strong safety record of pet food.

One goal of AAFCO is to provide consistency across state animal food regulation. AAFCO has worked diligently, for more than 100 years, to create a model bill and model regulations for animal food, including pet food, which can be adopted into state commercial feed laws. In order to help foster uniformity and predictability in regulation across all states, PFI member companies serve in an advisory role to AAFCO. In addition, AAFCO has created standardized definitions for animal food ingredients and animal food terms. All of these models and

standards, when adopted by states, facilitate interstate commerce and provide consumers, including those in California, many options and food choices for their pets.

PFI believes very strongly that the CDPH should adopt either in part or as a whole and by reference the AAFCO Official Publication (OP), which contains guidance for pet food production and labeling that is the result of decades of collaboration and consultation among federal and state officials, together with pet food makers, ingredient suppliers and consumer groups. The guidance contained in the AAFCO OP promotes regulatory uniformity and predictability by providing a fair and equitable marketplace across all states, benefiting regulators, consumers and pet food makers nationwide.

In addition, we contend that CDPH should pursue active participation in current work occurring in AAFCO committees charged with developing standards for pet food, including Human Grade guidelines and Pet Food Label Modernization. Active participation in AAFCO proceedings and subsequent adoption of AAFCO language will avoid duplication of effort and maintain consistency with the current model for regulation of pet food at the state level.

The AAFCO Official Publication can be found on its website:

<https://www.aafco.org/Publications>

In response to specific Questions for Stakeholder Engagement in the request for comment, please see below for focused comments.

1. “Are there any terms commonly used on processed pet food labels that you or your organization feel should be included in the regulations? If yes, please provide a full explanation as to what the term(s) is/are and why it/they should be included.”

PFI strongly recommends that CDPH adopt the Official Feed Terms found on page 340 of the online version of the 2021 AAFCO OP. Furthermore, chapter six of the OP: Official Feed Terms, Common or Usual Ingredient Names and Ingredient Definitions, should be adopted in its entirety for the reasons outlined above. Adoption of the OP by reference will bring many of these terms into the California 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? If yes, please let us know what those are. You may provide citations, links to studies, etc. “

As mentioned previously, PFI strongly recommends CDPH adopt the Official Feed Terms found in the AAFCO OP. These feed terms include a definition for the feed term “human grade,” which

is the result of several years of consultation and collaboration among regulatory officials, industry and consumer representatives. Since several states have been using this feed term and guidance since it was published, there already exists an established consistent use across products. Concerning labeling requirements for use of the term human grade, page 156 of the 2021 AAFCO OP provides Guidelines for Human Grade Claims. PFI strongly encourages CDPH to adopt by reference the AAFCO human grade feed term and guidelines.

At the present time, both the AAFCO Pet Food Committee and Ingredient Definitions Committee are engaged in drafting refinements to the feed term and labeling guidelines for human grade claims. PFI encourages CDPH to participate in both these committees to be fully apprised of these improvements.

3. “Do you, or does your organization, 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?”

PFI urges CDPH to refer to page 156-157 of the 2021 AAFCO OP when considering the use of the term “human grade” to consider that it applies to the whole product, rather than to any single ingredient. The AAFCO language reflects substantial input from a range of affected stakeholders, including pet food makers and consumer groups.

4. “Regarding natural food for pets, are there studies, data, or other information CDPH should consider in development of its labeling regulations? If yes, please let us know what those are. You may provide citations, links to studies, etc.”

PFI urges CDPH to consider “Guidelines for Natural Claims” as found on page 156 of the current online version of the 2021 AAFCO OP, which has been in place for nearly a decade and was the result of extensive deliberation among all affected stakeholders, including pet food makers and consumer groups.

5. “What do you, or your organization, consider the most important issue for CDPH to consider in relation to labeling of processed pet food?”

As previously mentioned, PFI very strongly believes that adoption by reference of the requirements found in chapter 4 of the AAFCO OP: Model Regulations for Pet Food and Specialty Pet Food Under the Model Bill (page 143), as well as all terms and definitions found in chapter 6, is the most important and practical course of action for CDPH as it considers amendments to its current Processed Pet Food Regulations. The AAFCO standards are the result of a deliberative, intensive process to develop and promulgate standards that benefit consumers, reflect modern pet food maker practices and are enforceable by states. Critically,

these AAFCO standards also promote harmonization among states and create consistency for pet food makers, while supporting greater understanding for shopping consumers.

6. “What issue(s) should CDPH be aware of in establishing its labeling regulations?”

In addition to the current committee work mentioned above with respect to human grade guidelines, the AAFCO Pet Food Committee has been intensely engaged for many years in Pet Food Label Modernization. When complete, this labeling modernization effort will result in important updates to relevant Model Bill and Model Regulations, updates that will directly benefit consumers in the form of new labeling content and format standards that will more effectively inform consumers. PFI urges CDPH to begin immediate and active engagement with AAFCO to learn more about its important work to modernize the pet food label.

PFI thanks CDPH for this opportunity to comment via this Informal Stakeholder Engagement. We support efforts to address the challenges associated with predictable and science-based pet food regulation and trust our comments are considered in the manner intended. We welcome further discussions on this topic and I encourage you to contact my colleague, Pat Tovey, PFI’s Director of Technology & Regulatory Compliance ([pat@petfoodinstitute.org](mailto:pat@petfoodinstitute.org)) with any further questions or comments.

Sincerely,



Dana Brooks  
President & CEO  
Pet Food Institute