Feed Legislative and Regulatory Affairs Committee
Report to NGFA Board of Directors
March 2024

I. Key Issues

A. FDA Issues

B. AAFCO Initiatives

II. Committee Activities

A. FDA Issues

- **FDA Animal Food Ingredient Approvals with Certain Claims:** In an action consistent with recommendations made by NGFA, the U.S. Food and Drug Administration (FDA) announced on Feb. 2 that it will withdraw Policy & Procedures Manual (PPM) 1240.3605, Regulating Animal Foods with Drug Claims to facilitate animal and veterinary product advancement, and to encourage the development of safe, novel products for unmet human and animal needs. By withdrawing the policy, FDA will allow nutritive substances with scientifically substantiated claims related to animal production to gain approval through animal food recognition processes, rather than the burdensome animal drug approval process.

  Meanwhile, NGFA continues to seek passage within Congress of the bipartisan Innovative Feed Enhancement and Economic Development (Innovative FEED) Act (H.R.6687 and S. 1842) that would create a new regulatory approval pathway for substances added to animal food or drinking water that affect the microbiome of the animal, influence the byproducts of the digestive process, or reduce pathogens in human food products derived from the animal.

- **Role of Grain, Feed as Vectors for Foreign Animal Diseases, ASF Virus:** NGFA continues to participate as a member of the U.S. Swine Health Improvement Plan (US SHIP) Feed Biosecurity Working Group. US SHIP is a U.S. Department of Agriculture (USDA) Veterinary Services sponsored collaborative effort involving industry, state and federal partners organized to develop voluntary standards to mitigate risks of introducing swine diseases into the United States and to provide a practical means for demonstrating evidence of freedom from disease in support of ongoing trade.

  The Feed Biosecurity Working Group currently is conducting a pilot program to explore the feasibility of establishing a Safe Feed Import Program for ingredients sourced from African Swine Fever (ASF)/Classical Swine Fever (CSF)-virus endemic regions to minimize the risk of potential viruses that may be present in products. The proposed Safe Feed Import Program would create a rating system for ingredients based on certain criteria, including traceability, biosecurity at the country of origin, biosecurity upon arrival, and ingredient quarantine. The pilot program currently is solely focused on packaged feed ingredients, but there is significant interest in expanding the program to include bulk products.

  In addition, the Working Group is developing recommendations about what "feed-immediate" actions should be taken in the event of an ASF/CSF outbreak in the U.S. The task force will consider actions related to swine feeders, feed bins, trucks, feed mills, feed formulas, and feed/feed ingredient supplier warehouses.

- **Future FDA Rulemakings and Guidance:** Anticipated FDA policy actions for 2024 include: 1) changes to certain customer assurance provisions within the Food Safety Modernization Act

(FSMA)-related human and animal food rules; 2) proposed revisions to FDA's definition for "farm"; 3) final guidance associated with human food by-products used as animal food; 4) new mycotoxin regulatory guidance for zearalenone; and 5) guidance on production claims for nutritive animal foods. FDA's rulemaking associated with the farm definition is particularly significant because operations that meet the definition are exempt from many of FDA's regulations. According to the current Unified Agenda of Regulatory and Deregulatory Actions, FDA was slated to initiate rulemaking on the farm definition in February, but that has yet to happen.

B. AAFCO Initiatives

- **AAFCO Midyear Meeting:** Members of the Committee and NGFA staff serve as industry advisers to the Association of American Feed Control Officials (AAFCO) and participated within the AAFCO 2024 Midyear Meeting conducted on Jan. 23-25 in Chattanooga, Tenn. AAFCO's actions are significant because most states adopt AAFCO model regulations and policies within their commercial feed regulatory frameworks. Among the topics addressed during the meeting were:
  - **Hemp Seed Meal:** The Ingredient Definition Committee during the meeting approved a new tentative definition for Hemp Seed Meal, Mechanical Extracted for use in diets of laying hens as a source of protein and fat at an inclusion of no more than 20 percent of the diet. This action represents the first step for approval of a hemp-derived feed ingredient by AAFCO.
  - **Feed Lot Numbers:** The Model Bills and Regulations Committee considered proposed regulations that would establish requirements to include a "lot identifier" on the labels, invoices or other documents accompanying commercial feeds in distribution to facilitate recalls and accurate tracing of the manufacturing and distribution history of the product. The new model regulations will be further considered within AAFCO before final adoption.
- **Pet Food Regulatory Oversight:** Legislation drafted by the Pet Food Institute (PFI) was introduced in the House (H.R. 7380) on Feb. 15 that would federalize regulatory oversight of dog and cat food products, and prohibit any State from directly or indirectly enforcing any authority or requirements related to marketing or labeling of such products. Currently, regulatory oversight of dog and cat food products (and animal feed) is primarily conducted by state departments of agriculture and offices of the state chemist. The major reasons stated by PFI for seeking the legislation are to: 1) eliminate inconsistencies in how individual states regulate products; and 2) codify and provide a legal basis for making certain marketing claims, such as "human grade" and "natural."

III. Issues for Discussion

- Are there other FSMA-related issues or federal/state feed issues NGFA should address?
- Should NGFA be involved in other activities to address the potential for foreign animal diseases, such as ASF virus, entering the United States?

IV. Other Actions

The Committee and NGFA staff were engaged in the following during Sept. 2023 through March 2024:

- Meeting of the Codex Committee on Residues of Veterinary Drugs in Foods.
- Monthly meetings of the Food Industry Codex Coalition.
- Quarterly meetings of FDA's Partnership for Food Protection Stakeholder Forum.
- Meetings of the Animal Agriculture Coalition that supports federal funding of animal agriculture research, education, and biosecurity needs, and reviews pertinent legislative and regulatory proposals.