



Modernizing Pet Food Regulation

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Background

Currently, pet food packages are required to be reviewed and registered in nearly every state. The challenge is that the states are inconsistent in their individual interpretations and adoption of different standards of ingredient listings or names. This system is an outdated holdover of the hundred-year-old livestock feed regulations and operations that unfortunately have been adopted for dog and cat food. In many states, a single state employee must review and renew thousands of animal feed and pet food products per year even if no changes are made to the ingredient list for that bag, can or treat product, creating a logjam that hinders innovation and go-to-market strategies.

Dog and cat food requires a more innovative and streamlined regulatory process (similar to that for human foods) with a modernized, federal approach to reduce state-by-state inconsistencies. Therefore, PFI is supporting legislation that will modernize the pet food regulatory process. The draft legislation will:

- Ensure consistency and transparency with federal regulations,
- Establish a more efficient new ingredient approval/review process,
- Encourage innovation and eliminate disruptions to commerce due to states' differing interpretations, adoption of standards and inconsistencies in enforcement.

How to Use This Toolkit

This toolkit provides all the resources and information that you need to engage with your staff, media, lawmakers, AAFCO, states, and other stakeholders; provides answers to commonly asked questions; a carefully curated list of Congressional lawmakers to engage with; and responses and resources for potential pushback from activists, AAFCO, and states. Supporting materials (e.g. state fact sheets, a detailed roll out plan, etc.) are available in the Downloadable Resources section.

Downloadable Resources

[Backgrounder](#)

[Detailed Rollout Plan](#)

[State Fact Sheets](#)

[Economic Contribution - Pet Food Institute](#)

[National Pawprint](#)

[Meet the PFI Fact Sheet](#)

Items included in this toolkit are:

Legislative One-Pager

Overview Timeline

Key Messages

U.S. Congress

FDA CVM

AAFCO

Media/General Information

FAQ

Scenario Responses

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AAFCO/State
Activist
Congressional Mapping
Phase 2 Soft Rollout Timeline/Activities
Phase 2 Public Rollout Timeline/Activities
Stakeholder Outreach

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Legislative One-Pager

The bill's main purpose is to require the creation of a new center within the Food and Drug Administration (FDA) to have federal regulatory authority over pet food and treats for dogs and cats. This bill would preempt and prohibit any state government from assessing registration fees, requiring label reviews or premarket approval, and any other attempts to regulate pet food sales.

More specifically, under Section 4(a) of the legislation, state and local government would be prohibited from directly or indirectly establishing or continuing any authorities or requirement relating to the “manufacture, marketing, or labeling of pet food” or assessment of “fees specifically related to pet food” in interstate commerce.

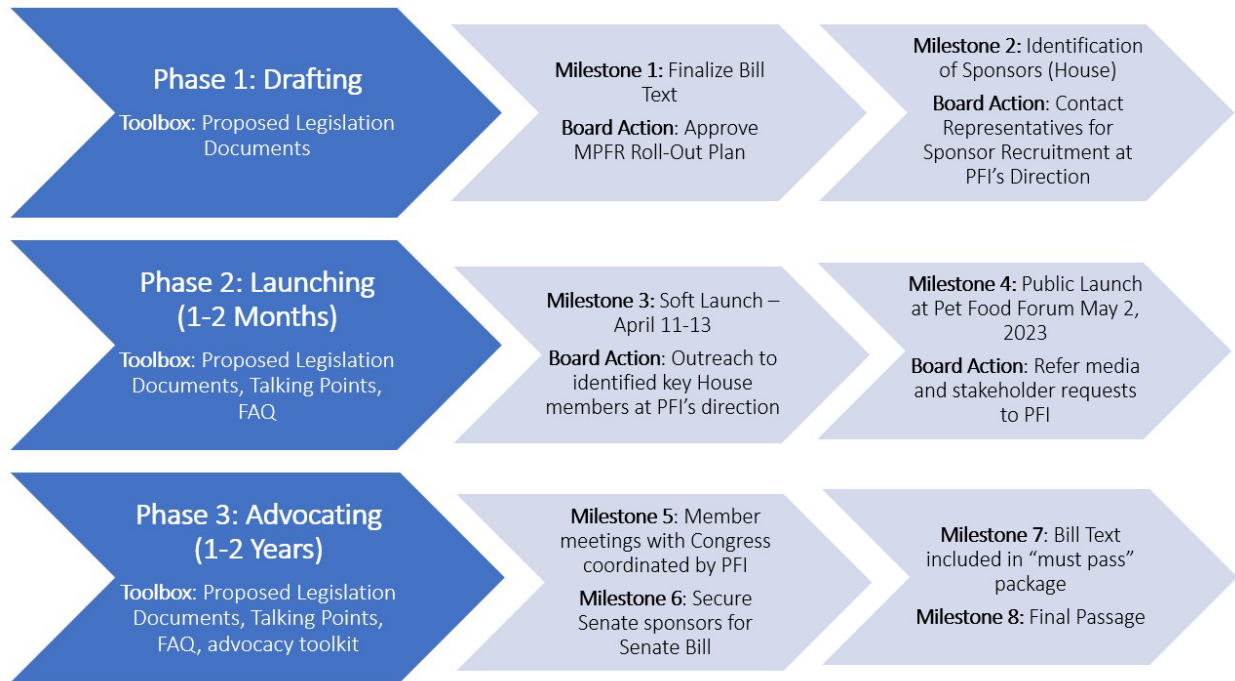
A new FDA center, the Center for Companion Animal Nutrition (CCAN), would be established with the sole purpose of regulating dog and cat food and treats, including supporting new ingredient reviews and approvals. (Section 6)

The bill would explicitly permit ingredients identified as accepted for use in pet food under chapter 6 of the American Association of Feed Control Officials (AAFCO) *Official Publication* to continue to be lawfully used and deemed generally recognized as safe (GRAS). (Section 4)

Current AAFCO approved claims would continue to be permitted and would be regulated by the new center for pet food. Examples of such claims include but are not limited to tartar control, human grade, and natural. (Section 4(j))

The new center would be authorized to collect user fees from pet food establishments and for ingredient submissions to support funding the center, with the majority (75%) of the funding authorized through congressional government appropriations. The estimated cost for the full funding of a new center is \$40 million. (Section 5)

Overview Timeline



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Key Messages – U.S. Congress

Objective:

Modernize pet food regulation for dog and cat food and treats under one federal center within the Food and Drug Administration (FDA).

Ask:

The Pet Food Institute (PFI) requests Congress modernize pet food regulation to ensure consistent, uniform, and transparent federal regulatory oversight.

How:

Congress should pass legislation to transition from a state government authority, influenced by a patchwork of voluntary members working for the Association of American Feed Control Officials (AAFCO), to one authority housed under FDA's leadership that would provide clear and transparent national regulation for pet food necessary for dog and cat nutritional health.

Why:

Currently, pet food packages, which include a list of all ingredients, are required to be reviewed and registered in nearly every state. The challenge is that the states are inconsistent in their individual interpretations and adoption of different standards of ingredient listings or names. This system is an outdated holdover of the hundred-year-old livestock feed regulations and operations.

A recent survey showed that 95% of Americans consider their pets to be family members. Our nation's dogs and cats are not livestock, so their food should not be regulated in this same system as livestock feed. Pet food is much more complex and consumer facing. In many states, a single state employee must review and renew thousands of animal feed and pet food products per year even if no changes are made to the ingredient list for that bag, can or treat product, creating a logjam that hinders innovation and go-to-market strategies.

The disruption to global supply chains during COVID and the increased demand for animal fats and proteins from other sectors have made it clear that the pet food industry may need to look for alternative novel ingredients to continue providing sustainable, complete and balanced foods for our dogs and cats. Without a structured, predictable review process by experts in pet food safety and nutrition, the pet food industry will be unable to innovate and adapt quickly to meet the demands of today's pet owners, provide more sustainable ingredients, and meet future supply chain challenges.

The pet food industry has tried for decades to coordinate and coalesce with state regulators through the current alliance of voluntary state leaders, academics and subject matter experts. Unfortunately, this time consuming and inefficient effort has not been successful in harmonizing ingredient names and approval across the country. The current state-by-state patchwork of compliance standards stifles innovation to bring new pet food products to market. The current standards also have caused disruption of commerce due to different interpretations of definitions for products that are already deemed safe and nutritious.

Summary:

Dogs and cats are members of our families. What worked 100 years ago for pet food, is not meeting the demands of the innovative and global pet food industry of today. Pet food is different than livestock

feed. When a pet owner purchases pet food, they are likely doing so in a grocery or other retail store alongside their human food.

Our nation's dogs and cats need food security more than ever before. Their food requires a more innovative and streamlined regulatory process with a modernized, federal approach to reduce state-by-state inconsistencies.

This legislation will:

- Ensure consistency and transparency with federal regulations,
- Establish a more efficient new ingredient approval/review process,
- Encourage innovation and eliminate disruptions to commerce due to states' differing interpretations, adoption of standards and inconsistencies in enforcement.

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Key Messages – FDA CVM

Objective:

PFI is pursuing wholesale changes to how the U.S. pet food industry is regulated. U.S. pet food is a consumer facing product and the regulatory structure needs to support this evolution and innovation in pet nutrition. PFI is proposing Congress modernize pet food regulation to ensure consistent, efficient, and transparent regulatory oversight.

Key Message:

As PFI works through the legislative process of petitioning Congress to modernize pet food regulation under this framework, we need to engage with FDA Center for Veterinary Medicine (CVM) regulators to help them to understand how these efforts will undoubtedly create a better regulatory environment for all stakeholders. This will ultimately result in a center which better utilizes their expertise and provides resources all within FDA's jurisdiction.

How:

PFI is supporting a legislative act of Congress to transition from a state government authority to one authority housed under FDA's leadership that would provide clear and transparent national regulation for pet food necessary for dog and cat nutritional health.

Why:

- The two-pronged approach of the current system -- which allots FDA authority in regulating certain aspects of pet food while states also regulate pet food under their own commercial feed laws -- creates a disjointed and uncertain regulatory environment for pet food makers.
- PFI is supporting a bill that was introduced in Congress today, that will transition oversight from state government authority to one center under FDA that would be qualified to singularly regulate pet food for dogs and cats. Key provisions of the bill include:
 - Create a Center for Companion Animal Nutrition under FDA that would be better suited to protect companion animal health, resulting in consistent, efficient and transparent oversight.
 - Acknowledge the work that AAFCO has done on guidance documents for the pet food industry by incorporating them by reference and would require FDA to incorporate it into FDA guidance.
 - Remove authority for the regulation of pet food from the states.
- Over time FDA has proven the ability communicate its expectations for regulatory compliance compared to the patchwork system of individual state interpretations and label approvals under which we currently operate.
- Today's pet food industry has topped \$50 billion, which has grown alongside the population of US pets with 186 million dogs and cats living in 89.5 billion homes.
- The U.S. pet food industry is one of the fastest growing U.S. exports and deserves a modernized regulatory system instead of one built upon model language drafted by an organization of volunteers operating within the same framework as that used to regulate livestock feed.

- AAFCO is currently working towards creating new regulations which will update the way pet food labels look for consumers. It is expected that the cost for U.S. pet food makers to implement these changes will surpass \$1 billion. A centralized federal system would provide the needed assurance and mitigate the risk that this investment would be accepted across all states.

Summary:

Today's pet food industry needs a more innovative and streamlined regulatory structure with a modernized federal approach to reduce state-by-state inconsistency in regulatory interpretation.

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Key Messages – AAFCO

Objective:

PFI is pursuing wholesale changes to how the U.S. pet food industry is regulated. U.S. pet food is a consumer facing product and the regulatory structure needs to support this evolution and innovation in pet nutrition. PFI is proposing Congress modernize pet food regulations to ensure consistent, efficient, and transparent regulatory oversight.

Key Message:

As PFI works through the legislative process of petitioning Congress to modernize pet food regulations under this framework, we assure the Association of American Feed Control Officials (AAFCO) that PFI will continue to work on pet food related activities with AAFCO while this legislation moves through Congress.

How:

PFI is supporting a legislative act of Congress to transition from a state government authority to one authority housed under FDA's leadership that would provide clear and transparent national regulation for pet food necessary for dog and cat nutritional health.

Why:

- AAFCO was established in 1909 to work with industry to create an animal feed bill, fair and equitable definitions for ingredients, and design acceptance criteria for those ingredients.
- During this time and up until today, the state commercial feed laws were drafted to include requirements not only for livestock feed but also regulations for dog and cat food. In many cases these laws were adopted in full or in part from the AAFCO's Model Bill. Since that time, dogs and cats have changed from being viewed as working animals on the farm, to being seen as members of the family. The regulatory system, however, has not evolved to address the challenges of today's pet owners. U.S. pet food makers need a regulatory system that meets the needs of a 21st century, consumer-facing product.
- AAFCO has been very successful in its mission of creating regulations, standards, definitions and policies (regulatory language) concerning food for animals. However, due to the changing nature of pets in society as well as growth (globalization) of the industry, common language is no longer enough. Because each individual state government uses AAFCO's work to suit its own feed law, there is nothing to ensure common interpretation or application across states.
- Instead, we are left with a patchwork of regulatory oversight between various states. Despite AAFCO doing its job to ensure that common language exists, there is very little AAFCO can do to ensure consistent application due to their role as a voluntary association of state employees with no regulatory authority. This patchwork regulatory system frequently causes disruption in pet food availability to consumers and their pets.

Summary:

Today's pet food industry needs a more innovative and streamlined regulatory structure with a modernized federal approach to reduce state-by-state inconsistency in regulatory interpretation.

Key Messages – Media/General Information

Background

The U.S. pet food regulatory system was set up over 100 years ago for animal feed. Since that time, dogs and cats have changed from being viewed as working animals, to being seen as companion animals. The regulatory system, however, has not evolved to address the challenges of today's fast-paced market. U.S. pet food makers need a regulatory system that meets the needs of a 21st century, consumer-facing product.

Talking Points (Industry and Non-Industry):

1. PFI is supporting a legislative act of Congress to transition from a state government authority to one authority housed under FDA's leadership that would provide clear and transparent national regulation for pet food necessary for dog and cat nutritional health.
2. The current system is a patchwork of regulation between states, the Association of American Feed Control Officials (AAFCO), and federal oversight and is no longer a reliable regulatory environment. This system has caused disruption and confusion for pet food makers and pet owners.
3. The proposed legislation would eliminate states' regulatory authority and require a single center within the Food and Drug Administration (FDA) to regulate pet food for dogs and cats. One federal agency will provide consumers with innovative, nutritious, and safe pet foods for their companion animals. Scientific research into the best sources of nutrition for companion animals is ongoing, and the current regulatory framework does not offer an efficient approval process for new ingredients. A streamlined, predictable ingredient approval process would expedite getting new diets into the market and enable pet food makers to offer the latest in nutritional science.
4. FDA and federal agencies have a better communication structure with pet owners allowing for a more efficient information exchange.
5. Currently, each pet food product is required to be registered with the Departments of Agriculture or a similar agency in each individual state. Often the states rely on the oversight of regulatory officials that are inexperienced in pet nutrition, creating a system where registration focuses on label review rather than food safety.
6. This state registration system has created instances where inexperienced state regulators have misinterpreted guidance and attempted to deny registration for therapeutic diets, which are critical to the health of cats and dogs with certain health issues. These diets may be more difficult to substitute and limit options for consumers.
7. It is impractical for pet food manufacturers to create separate packages for sale in specific states. The result of this lack of uniformity creates a regulatory roadblock where nearly every state, as well as the Federal Government, has the power to stop the sale across the U.S. of safe pet food products that are relied upon by pet owners to provide dogs and cats with essential nutrition.

Industry Only:

8. Modernizing the regulatory framework for U.S. pet food will provide the following benefits to industry:
 - a. Greater transparency and consistency of interpretation of regulations.
 - b. Clearly defined performance measures for FDA, including timelines overseen by Congress.
 - c. More efficient and timely approvals of new ingredients, expediting commercialization of new diets.
 - d. Federal government approved and recognized source for the definitions of ingredients and common names that better fit pet food rather than multiple state regulators' interpretations.
 - e. Fewer disruptions in the marketplace due to inconsistent interpretations or different requirements at the state level.
 - f. Removes state registration and fees on products sold, redistributing those funds to one federal oversight through user fees.
 - g. More legal protections for companies as federally regulated industries have standing in the U.S. court system, whereas AAFCO's Official Publication (OP) does not.
 - h. The U.S. exports over \$2.4 billion in pet food each year, and that figure continues to grow. Regulatory officials in key export markets have a familiarity with U.S. federal regulatory agencies rather than states, which will make addressing any trade concerns easier.
 - i. Process compliance activities and label review across states are cumbersome, inconsistent, and inefficient. Every pet food company can provide examples of unpredictable and unnecessary regulatory action by state regulators that have delayed or denied product registration, stopped sales on products, or disrupted the shipment to retailers of safe and nutritious pet food needed for companion animals.
 - j. The current system necessitates countless hours and resources by pet food manufacturers to ensure regulatory compliance for each product in every state, all with very little benefit. Although many states adopt or reference AAFCO's Model Bill and Regulations, often the nuanced application or understanding of these regulations by an individual state or individual regulator creates a barrier for compliance in one state, while the same product with the same packaging passes scrutiny in others.

FAQ

The Why

Why is The Pet Food Institute (PFI) suggesting a new regulatory framework for dog and cat food products?

Safe and nutritious pet food for dogs and cats starts with consistent, high federal standards that are transparent, clearly defined, and encourage innovation. This is why pet food makers want to eliminate outdated barriers and inconsistencies by modernizing and streamlining the regulatory process for approvals in one centralized function, while maintaining pet food safety. U.S. pet owners will benefit from an uninterrupted supply of innovative, clearly labeled products to feed and nourish their beloved dogs and cats.

FDA

The U.S. Food and Drug Administration (FDA) is currently undergoing changes. Will we be better off under the purview of the FDA?

Currently, pet food is regulated differently in each state, which creates inconsistency, a lack of uniformity, and market disruptions. Having centralized federal oversight would eliminate the inconsistencies pet food makers currently face and allow for timely review and approval of new ingredients, transparency in regulatory oversight, and significantly reduce market disruptions.

Will there be a new center under the FDA under the bill and if so, what will its responsibilities be?

Yes, the bill proposes that a new center - Center for Companion Animal Nutrition – will be established within the Food and Drug Administration. Its duties will be to:

- conduct and coordinate science-based reviews of pet food ingredient submissions; submit a yearly report to Congress on performance metrics;
- educate pet owners, veterinarians, and the companion animal industry about pet food and its safety;
- carry out research to support and improve regulatory decisions regarding pet food.

AAFCO

Will we still need to adhere to the Association of American Feed Official's (AAFCO) Official Publication?

The draft legislation adopts key parts of the AAFCO OP, but the FDA will have sole regulatory authority and responsibility for all future ingredient approvals.

Will we continue to work cooperatively with AAFCO throughout the legislative process?

Yes. PFI is committed to working cooperatively with AAFCO on pet food related activities as the bill works its way through Congress.

General Bill Provisions

I hear the term federal preemption used in regard to this bill. What does that mean?

Federal preemption refers to the invalidation of state laws that conflict with federal law. The bill text states that, "No State or a political subdivision of a state may directly or indirectly establish any

authority or continue in effect as to any pet food in interstate commerce any requirement relating to the manufacture, marketing, or labeling of pet food, or assess fees specifically related to pet food.”

Which types of pet food are encompassed in this bill text?

The bill is intended for the regulation of pet food strictly for dogs and cats.

Ingredient Approval Process

What are the gaps in FDA CVM’s current authorities in how they review and approve ingredients?

Currently, feed ingredients can be reviewed and approved through the FDA by either the Generally Recognized as Safe (GRAS) provisions in the Federal Food, Drug and Cosmetic Act (FFDCA) or through food additive petitions (FAP). Another method for an ingredient to be recognized is through AAFCO’s feed ingredient definition process. Not all state governments recognize GRAS ingredients, which can cause gaps and market disruptions in some states. The main issue is that inconsistent interpretation across states creates a muddled regulatory landscape for pet food.

If you can currently use both the Food Additive Petition process and the GRAS process at FDA, why can’t you just use that process to get ingredients approved instead of the AAFCO feed ingredient definition process if it does not function well for pet food?

Currently, the FDA relinquishes approval authority to AAFCO and the states through AAFCO’s feed ingredient definition process, which can sometimes drag on for many years, slowing innovation to market. The new regulatory framework would require the FDA to complete reviews within 180 days and report to Congress annually on whether it is hitting that target. This will greatly streamline the feed ingredient review and approval process and remove any inconsistent state interpretations.

Will changing the framework expedite the ingredient review and approval process?

Yes. The bill provides for approvals and reviews to occur within 180 days. The FDA will also be responsible for reporting yearly to Congress on performance metrics against that target.

State Registrations/Authority

Will states continue to have any regulatory authority under the new regulatory framework?

No. States will no longer have authority over the regulation of pet food under this new framework. FDA would be the sole regulator of U.S. pet food.

Will we still pay state registrations?

No. Under this bill, current state registrations would be replaced by user fees paid to the FDA.

Is the proposed legislation a tactic to avoid individual state labeling laws (e.g. the Illinois allergen labeling legislation) or state spay and neuter fees (e.g. Maryland and California)?

Stick to the main point and point out that these are actually good examples of the complicated regulatory landscape related to pet food.

For example:

- The regulations you are citing are actually good examples of how complicated the current regulatory structure is. The real issue here is that the current system is a patchwork of oversight

from 50 separate states as well as the federal government. The goal is to create a consistent, transparent regulatory system with federal oversight that allows pet food makers to provide the highest quality, safest, and most innovative nutrition to America's pet owners and pets. This legislation will accomplish that.

Timeline

What is the timeline for getting this bill approved?

The current roll-out plan aims for the bill to drop in April. We are aiming for passage of the bill within 18 months to two years.

User Fees

What are the user fees going to be? (This is an example of something we don't have the information to answer)

Currently, we do not know exactly what the user fees are going to be. The legislation states that pet food companies would no longer pay state registration fees but will instead pay a user fee to the FDA, which combined with Congressional appropriations, would fund the new center. We have examined FDA CVM funding to develop an educated assessment of what the new center will require in funding and have tracked what companies are currently paying in fees to states. Based on that assessment, we expect the sum of user fees to be less than or equal to what is currently being paid in registration fees to the states.

Will user fees be based on the size of the pet food company?

Yes, there will be a small category (fewer than 500 employees), a large category (greater than 500 employees), and a category for distributors, warehouses, and packaging facilities.

How will the user fees impact small businesses?

The user fees will scale according to the size of the company, as laid out in the proposed bill language.

What If...

Will there be legal action on the part of the states for trying to supersede the states?

It's difficult to predict how states will react to the proposal, but we are hopeful they will see the benefit of national uniformity that ensures safe and nutritious pet food. States may try to lobby against the proposed bill, but if enacted, they will not be able to enact any legislation that is in conflict with the federal law because the proposed legislation specifies federal preemption. Should states try to lobby against the bill, PFI will work with our contacts at National Association of State Departments of Agriculture (NASDA), National Governors Association (NGA), and individual state governments.

What if states take retaliatory actions against pet food companies?

In the unlikely event of retaliatory reactions, it would only strengthen our case against the current regulatory framework. Should these actions occur, though, PFI would engage with NASDA, State and Ag Rural Leaders (SARL), National Governors Association, and use state fact sheets that demonstrate the value that pet food makers bring to states and rural communities. If pet food is regulated and reviewed on the federal level, the workload of state government workers who lack the time, training, and technical expertise to perform these regulatory functions would be greatly reduced.

How You Can Help

What can I do to help the process?

There are multiple ways that you can help the process when called upon by PFI:

- Be prepared to provide examples of how the current regulatory process has impacted your business, whether a stop sale order in a state due to inconsistent application of AAFCO regulations or the slow ingredient process.
- Be willing to talk to your representatives in Congress about the need for this legislation when requested by PFI.
- Provide a quote to PFI staff about the positive impact a streamlined federal regulatory process would have on your business and on consumers.
- Be willing to share social media posts on the bill on your social channels at the appropriate time.
- Invite federal legislators to events, tours, etc. in their districts or states to build relationships in coordination with PFI.

Scenario Responses – AAFCO/State

This potential scenarios document addresses specific questions that may arise from the states or AAFCO. In general, should the states or AAFCO push back, PFI will engage with NASDA, State and Ag Rural Leaders (SARL), National Governors Association, and use state fact sheets that demonstrate the value that pet food makers bring to states and rural communities.

Possible scenarios:

- AAFCO could approach NASDA to coordinate a better response. (medium risk)
- State officials could potentially take retaliatory regulatory action through non-use of discretion, registration denial, or stop sales. (low risk)
- AAFCO committees could give pet food makers less of a voice in their deliberations. (low risk)

AAFCO/STATES ARGUMENT	PFI RESPONSE	DATA/SOURCES/NOTES
This will put pets' health at risk.	<p>Congress has given FDA the authority to regulate food safety. This is done proactively through compliance with Food Safety and Modernization Act (FSMA), which is already a federal requirement. If anything, this should provide a more streamlined and focused approach to food safety.</p> <p>This proposed bill does not change or impact FDA's regulation of pet food safety in any way.</p>	<p>Food Safety Modernization Act (21 CFR Chapter 1 Subsection E) 21 CFR Part 507</p>
Why change a system that has been in place for a century?	<p>Much has changed over the years for pets. A recent survey showed that 95% of Americans consider their pets to be family members. During this transition, their food — and consumer interest in pet food — has evolved. The AAFCO system of state adoption of model regulations was created for a system in which livestock, performance animals, pets and other animals were scrutinized in a similar fashion. Our nation's dogs and cats are not livestock, so their food should not be regulated in this same system as livestock feed.</p> <p><i>Alternative Approach:</i> Pet food is now a more consumer-facing</p>	<p>Resource: Board Talking Points</p>

	<p>product. States regulate pet food through a patchwork of state laws and regulations. We are supporting legislation that puts this responsibility solely in a uniform federal regulatory framework to minimize interstate commerce disruption and resultant enforcement action that is caused when interpretations of AAFCO definitions or implementation of model regulations differs from other states.</p>	
<p>Pet food makers are seeking to avoid transparency in ingredients and labeling.</p>	<p>The only changes suggested in the proposed bill build upon the current foundation of safe food requirements, both state and federal. The model requirements currently utilized by states would, by this legislation, be incorporated solely under federal regulatory oversight.</p> <p>The proposal provides a clearer pathway to ingredient approvals and includes incorporating the new Pet Food Labeling Modernization model regulatory language.</p> <p>Pet owners will continue to benefit by having access to innovative, nutritious, and safe pet food for their dogs and cats, with confidence in a centralized federal system. A centralized system will allow U.S. pet food to continue to grow globally due to the recognition of FDA as the competent authority with international trading partners.</p>	<p>Draft Legislation</p>
<p>This new “center” has no teeth.</p>	<p>Congress already grants authority to FDA to regulate pet food. This proposed legislation simply puts the expertise and responsibility of oversight into one federal authority. Overall, it’s important to remember that our current system includes</p>	<p>Food Drug and Cosmetic Act (21 CFR Chapter 1 Subsection E)</p>

	<p>federal requirements as well as commercial feed laws from each individual state. This proposal does not remove or invalidate this regulatory approach, it puts the authority at the federal level where common interpretation and application can occur across all U.S. states.</p>	
<p>This takes away states' rights.</p>	<p>It is time for a necessary update for the health and growth of the industry. As the pet food industry serves both national and global markets, we cannot operate in a 50-state patchwork system. Pet food makers are a vital economic driver in many states, and they need a consistent regulatory landscape to continue to grow and support the communities in which they operate. We are looking for a strong central federal authority that can provide clear and predictable regulatory direction to pet food makers.</p>	<p>Draft Legislation</p>
<p>Individual state legislative efforts to create a state-specific pet food labeling requirement are influencing your decision to seek federal preemption.</p>	<p>Such legislative efforts could have far-reaching impacts by generating consumer confusion in the marketplace, disrupting nationwide commerce, and creating a patchwork of state-by-state pet food labeling requirements that could drive up pet food costs for pet owners and affect pet food makers' ability to feed our pets. It would be an enormous, time-consuming, and costly process to reach compliance on state-specific labeling requirements.</p> <p>In order to ensure pet food safety, consumer protections nationwide and interstate commerce is not disrupted, pet food makers need uniform laws and regulations for pet</p>	

	<p>food in all states. Individual states enacting differing pet food label requirements would create a patchwork of state regulations, resulting in a muddled regulatory landscape for pet food while adversely impacting interstate commerce.</p>	
<p>Under federal preemption, will the AAFCO statement on pet food labels be replaced with a federal statement on nutrient profiles?</p>	<p>If the proposed bill becomes law, FDA will go through a rulemaking process to draft and finalize regulations that will implement the provisions in the law. As it is currently written, the draft bill proposes to incorporate the most recent changes that were proposed by AAFCO to modernize the pet food label. Our expectation is that in the rulemaking process, the FDA would adopt the proposed labeling guidelines."</p>	
<p>This removes money from state budgets.</p>	<p>Nearly every state's commercial feed law requires each pet food product to be registered with the state's Department of Agriculture (or similar agency which has been given regulatory oversight of animal food). Registration focuses on label review, not food safety. This necessitates countless hours and resources by both feed control officials and pet food manufacturers to ensure regulatory compliance for each product in every state. Under the proposed legislation, states will no longer have to review pet food labels, removing workload from state employees. However, it would not impact existing state regulation and oversight of commercial feed for livestock. Additionally, state agencies that are contracted through the FDA for Current Good</p>	

	<p>Manufacturing Practice (CGMP) and Hazard Analysis inspections under the Food Safety Modernization Act (FSMA) would still perform this important work.</p> <p>Additionally, pet food makers make a large economic impact in the states where they operate including employing state residents, paying taxes, and purchasing local resources.</p>	
<p>Pet food will not be safe anymore.</p>	<p>Food safety will continue to be the top priority of U.S. pet food makers. Congress has already given FDA the authority to regulate food safety. This is done proactively through compliance with FSMA, which is already a federal requirement. If anything, this should provide a more streamlined and focused approach to food safety.</p> <p>This proposed bill does not change or impact FSMA in any way.</p>	<p>Food Safety Modernization Act (21 CFR Chapter 1 Subsection E) 21 CFR Part 507</p>
<p>This is about pet food manufacturers just wanting to make more money.</p>	<p>The goal of this legislation is to ensure consistent, uniform, and transparent federal regulatory oversight. It is important to support a healthy economy that adds value to agricultural entities and benefits U.S. dogs and cats.</p> <p>Pet food is a vital part of the US agricultural community.</p> <p>A thriving pet food industry supports agriculture and pets by:</p> <ul style="list-style-type: none"> • Utilizing over \$7 billion in US agricultural inputs annually. • Supporting the health and wellness of cats and dogs through pet adoption events and supporting pet focused charities. 	<p>NARA, IFeeder Report (2020) Economic Contribution - Pet Food Institute Draft legislation National Pawprint State Fact Sheets</p>

	<ul style="list-style-type: none"> Supporting rural communities in which they reside, in over 33 states. <p>The proposed bill suggests a reallocation of resources from 50 states to a central authority with the ability and expertise to strongly regulate U.S. pet food. Under this proposal, pet food makers and others in the industry would be assessed a user fee to aid in the funding the new Center to provide the resources to meet its responsibilities.</p>	
<p>FDA is a disorganized agency with poor leadership; they cannot take on another responsibility.</p>	<p>FDA already has the responsibility to regulate pet food, and CVM is not considered in the Reagan-Udall Report. This proposal aims to strengthen FDA by providing the necessary resources to manage the legislative requirements without the need for them to abdicate their authority to states. Under this proposal, pet food makers and others in the industry would be assessed a user fee to aid in funding the new Center to provide the resources to meet its responsibilities.</p>	<p>Draft Legislation</p>
<p>Pet food makers are seeking federal preemption to sidestep legitimate and necessary regulations, including state spay and neuter fees.</p>	<p>We are seeking federal preemption because the pet food industry has tried for decades to coordinate and coalesce with state regulators through AAFCO, the alliance of voluntary state leaders; academics and subject matter experts. Unfortunately, since AAFCO has no regulatory authority, this time consuming and inefficient effort has not been successful in harmonizing ingredient names and approval across the country. The current</p>	<p>Draft Legislation AAFCO 2024 OP</p>

	<p>state-by-state patchwork of compliance standards stifles innovation to bring new pet food products to market. The current standards also have caused disruption of commerce due to different interpretations of definitions for products that are already deemed safe, complete and balanced nutrition, needed by our dogs and cats.</p> <p>The proposed bill would incorporate key parts of the AAFCO OP that impact companion animal pet food. The proposal provides for a more centralized oversight body to eliminate multiple and varied interpretations of those requirements, which allows for much needed clarity.</p>	
<p>How will federal preemption impact existing state spay and neuter and/or animal welfare programs that rely on funding from pet food fees?</p>	<p>Under this bill, current state pet food registrations and any related fees would be replaced by user fees paid to the Food and Drug Administration (FDA). States would have to find alternative funding mechanisms to pay for these programs.</p> <p>Many states successfully provide funding for spay and neuter programs via money appropriated from state budgets, as well as through fees collected from the purchase of specialty “animal friendly” license plates, and voluntary contributions made for spay and neuter programs via check-offs on state income tax returns.</p>	<p>Draft legislation</p>

Scenario Responses – Activists

ACTIVISTS' ARGUMENT	PFI RESPONSE	DATA/SOURCES/NOTES
<p>This will put pets at risk.</p>	<p>Congress has already given the Food and Drug Administration the authority to regulate food safety. This is done through compliance with the Food Safety Modernization Act (FSMA). The proposal, if adopted, maintains the already high standards for pet food safety.</p> <p>If anything, this should provide a more streamlined and focused approach to food safety through a centralized federal system that will allow U.S. pet food to innovate and continue to grow globally.</p> <p>To position pet food makers and consumers for the future, how pet food is regulated must match our fast-paced, 21st century marketplace and the desires of pet food consumers for choices and tailored pet food diets for their dogs and cats.</p>	<p>Food Safety Modernization Act</p>
<p>Why change a system that has been in place for a century?</p>	<p>Providing safe pet food for dogs and cats starts with ensuring pet food and its ingredients are produced to consistent, high standards that are transparent, clearly defined, and encourage innovation.</p> <p>The current system, adopted over 100 years ago, establishes requirements that are the same for livestock feed as for cats and dogs. Today, 95% of Americans consider cats and dogs to be part of the family and are no longer viewed as working farm animals. The regulatory system, however, has not evolved to address the challenges and needs of today's pet owners. U.S. pet food makers need a regulatory system that meets the needs of a 21st century, consumer-facing product.</p>	

	<p>Currently, pet food ingredients are regulated and approved individually in nearly every state – an ineffective, patchwork regulatory process creates inefficiencies, inconsistencies in interpretation, and barriers to nutrition innovation.</p> <p>Ultimately, this antiquated system disrupts commerce and delays new products to market.</p> <p>The proposal, if adopted, will create a federal, centralized hub for pet food regulation, timely approvals of new ingredients and uniformity and transparency in regulatory oversight.</p>	
<p>Pet food makers are seeking to avoid transparency in ingredients and labeling.</p>	<p>Incredibly high standards for pet food safety are already in place, and this proposal maintains those standards. The model labeling requirements currently utilized by states would be incorporated into a centralized, federal regulatory framework under this proposed legislation.</p> <p>Pet owners will benefit by having access to innovative, nutritious, and safe pet food for their dogs and cats. They can have confidence in a centralized federal system that will allow U.S. pet food to continue to grow globally due to the recognition of FDA as the competent authority with international trading partners.</p>	
<p>Pet food will not be safe anymore.</p>	<p>Food safety will always be the top priority to U.S. pet food makers.</p> <p>Congress has already given FDA the authority to regulate pet food safety. This is done proactively through compliance with FSMA, which is a federal requirement. This approach will provide a more streamlined and focused approach to pet food safety.</p>	

	<p>This proposed bill does not change or impact FSMA in any way.</p>	
<p>This is just about pet food manufacturers wanting to make more money.</p>	<p>A streamlined, predictable ingredient approval process will enable companies to offer pet foods based on the latest nutritional science, without the expense of redundant state registration.</p> <p>With the removal of unnecessary, duplicative, and costly impediments to nutritional science and product innovation that deter progress, pet food makers can focus on advancements in pet food nutrition and new product development.</p> <p>The proposed bill suggests a reallocation of resources from 50 states to a central authority with the ability and expertise to strongly regulate U.S. pet food. Under this proposal, pet food makers and others in the industry would be assessed a user fee to aid in funding the new Center to provide the resources needed to meet its responsibilities.</p>	
<p>Pet food makers are seeking federal preemption to sidestep legitimate and necessary regulations, including state spay and neuter fees.</p>	<p>We are seeking federal preemption because the pet food industry has tried for decades to coordinate and coalesce with state regulators through AAFCO, the alliance of voluntary state leaders; academics and subject matter experts. Unfortunately, since AAFCO has no regulatory authority, this time consuming and inefficient effort has not been successful in harmonizing ingredient names and approvals across the country. The current state-by-state patchwork of compliance standards stifles innovation to bring new pet food products to market. The current standards also have caused disruption of commerce due to different interpretations of definitions for products that are already deemed safe,</p>	

	<p>complete and balanced nutrition, needed by our dogs and cats.</p> <p>The proposed bill would incorporate those parts of the AAFCO OP that impact companion animal pet food.</p> <p>The proposal provides for a more centralized oversight body to eliminate multiple and varied interpretations of those requirements, which allows for much needed clarity.</p>	
<p>You can't have a definition of "natural" in the legislation. FDA has not approved a definition for "natural" for human foods.</p>	<p>The term "natural", along with its use requirements, has been in use in commerce for pet food and pet treats for over a decade, with no disruption in the marketplace. This proposed legislation will codify the definition and the claim guidance that has been used in pet food marketing, with no change in how "natural" is defined or the claim is substantiated.</p>	
<p>Having a definition of "natural" for pet food and not for human food will cause consumer confusion.</p>	<p>Pet food makers have been using the "natural" claim in commerce for over a decade. This proposed legislation simply codifies its use and the standard to substantiate a claim. The use of the claim has not caused consumer confusion and has provided clarity for consumers as pet food makers are held to a consistent standard.</p>	

Congressional Sponsors

PFI staff, in collaboration with S3 Group and a select group of Government Relations Committee (GRC) members, have identified the top 25 lawmakers to target for early sponsorship of the legislation. The top 8 are potential original sponsors meaning they will have top billing on the bill when introduced. The next 13 are potential cosponsors that will be added after a bill number is assigned. The goal is to secure 2-4 original sponsors before May 1, 2023. PFI will coordinate directly with each company board member and GRC representatives to schedule outreach at the appropriate time. **Please refrain from acting on this list until we have notified you.**

Sponsors

	Names	State	Party	Primary Company
1	Ashley Hinson	IA	R	Blue Buffalo
2	Angie Craig	MN	D	Blue Buffalo
3	Jake LaTurner	KS	R	Hill's
4	John Garamendi	CA	D	Primal
5	Dusty Johnson	SD	R	PFI
6	Diana DeGette	CO	D	Purina
7	Bruce Westerman	AR	R	Simmons
8	Brian Higgins	NY	D	Smucker

Co-sponsors

9	Bill Johnson	OH	R	BrightPet
10	Eric Burlison	MO	R	Blue Buffalo
11	Tracey Mann	KS	R	Cargill
12	James Comer	KY	R	Champion
13	Rick Crawford	AR	R	Diamond
14	Blaine Luetkemeyer	MO	R	Diamond
15	Bill Pascrell	NJ	D	FreshPet
16	Emanuel Cleaver	MO	D	Mars
17	Steve Womack	AR	R	Mars
18	Jodey Arrington	TX	R	Primal
19	Rick Larsen	WA	D	Primal
20	David Scott	GA	D	Purina
21	Sam Graves	MO	R	Purina
22	Jan Schakowsky	IL	D	Purina (Merrick)
23	Jason Smith	MO	R	Royal Canin
24	Robert Aderholt	AL	R	Sunshine Mills
25	Nathaniel Moran	TX	R	TFP Nutrition

Phase 2 Rollout Timeline/Activities

April 11-13, 2023

PFI will initiate a soft roll out the week of April 11. PFI will reach out to a small number of key stakeholders – the Food and Drug Administration (FDA), the members of the PFI Standing Committees, AAFCO, the American Feed Industry Association (AFIA,) and the National Association of State Departments of Agriculture (NASDA). The chart below shows the order and timing of the notifications to each group.

Stakeholder	Date/Timing of Contact	Notes
FDA Center for Veterinary Medicine (CVM), Ms. Tracy Forfa, Director of CVM	Tuesday, April 11 at 9 am ET	Ask her not to speak to her staff until after May 2 roll out
PFI Standing Committees Webinar	Wednesday, April 12 at 2 pm ET	Information is embargoed until COB on April 13
AAFCO, Austin Therrell, Executive Director Eric Brady, President	Thursday, April 13 at 9 am	Offer to speak to AAFCO Board
AFIA, Ms. Constance Cullman, CEO	Thursday, April 13, TBD	Offer to speak to membership after May 2
NASDA, Mr. Ted McKinney, CEO	Thursday, April 13, TBD	Offer to speak to membership after May 2

Phase 2 Public Rollout Timeline/Activities

May 1-3, 2023

PFI will publicly launch the MPFR effort on May 2 at the Pet Food Forum in Kansas City, Missouri. PFI will have a booth at this conference. PFI is moderating and participating in a Lunch n' Learn session on May 2, focusing on updates to the regulatory process or pet food. PFI is planning the following activities around that public launch.

Activity	Date/Timing	Notes
MPFR Stakeholder Association Webinar	Monday, May 1 at 2 pm CT	Note that we will publicly launch the following day
PFI Booth at Pet Food Forum	Tuesday and Wednesday, May 2-3	
Lunch n' Learn: Updates on the Pet Food Regulatory Process	Tuesday, May 2 at 12:15 pm CT	Panelists: Dana Brooks, PFI; Liz Koutsos, EnviroFlight; and Loretta Hunter, Nestle Purina
PFI Press Release on MPFR	Tuesday, May 2 at the end of the Lunch n' Learn session	Will invite press to media webinar on May 3
PFI MPFR web page goes live	Tuesday, May 2 at the end of the Lunch n' Learn session	PFI Press Statement
Media Webinar	Wednesday, May 3, TBD	

Stakeholder Outreach

The following organizations will be targeted by PFI to be informed of the MPFR legislation with the goal of gaining support or having them remain neutral on the issue. All stakeholders will be invited to attend the stakeholder webinar to be held on Monday, May 1 at 2 pm CT. Those with an * will receive a call in advance from PFI staff.

Group 1 – Potential Advocates

- American Pet Products Association (APPA)*
- Pet Industry Distributors Association (PIDA)*
- Pet Advocacy Network (PAN)*
- World Pet Association (WPA)
- PFI Associate Members
- IndiePet
- National Pet Retailers (Petco, PetSmart, Chewy, etc.)

Group 2 – Support or remain neutral

- American Feed Industry Association (AFIA)*
- American Veterinary Medical Association (AVMA)*
- North American Veterinary Community (NAVC)
- Association of Food and Drug Officials (AFDO)
- National Grain and Feed Association (NGFA)*
- North American Renderers Association (NARA)*
- National Animal Supplement Council (NASC)*
- Pet Partners
- American Kennel Club (AKC)
- Pet Food Association of Canada (PFAC)*
- Global Alliance of Pet Food Associations (GAPFA)
- Alliance for a Stronger FDA

Group 3 – Governmental Associations

- National Association of the State Departments of Agriculture (NASDA)*
- State Ag and Rural Leaders (SARL)*
- National Governors Association (NGA)

Note: A DC allies and ag associations call will happen later in the month of May.