

Testimony of Eric Nelson  
President  
Association of American Feed Control Officials  
Before the United States Senate Committee on Appropriations,  
Subcommittee on Agriculture, Rural Development,  
Food and Drug Administration, and Related Agencies  
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My name is Eric Nelson and I appear today as the President of the Association of American Feed Control Officials (AAFCO). I would like to thank the committee for the opportunity to provide testimony on this important issue. The safety of all animal feed, including pet food is AAFCO's number one priority. Strengthening both state and federal feed control programs to address gaps in the current system has been paramount to our membership.

I am going to share some background on AAFCO, partnerships between state and federal agencies and AAFCO's plans for added oversight of the animal feed industry. AAFCO is an international association with membership consisting largely of state feed control officials responsible for the administration of state laws and rules, as well as portions of the Food, Drug and Cosmetic Act, which pertain to the distribution of commercial feed and feed ingredients for livestock, poultry and other animals, including pets.

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AAFCO counts as its members all fifty states, Canada, Puerto Rico, and Costa Rica.

While AAFCO has no regulatory authority, it guides states through the development of model laws and regulations and program guidance tools, such as inspection and labeling guides. Individual states adopt these model elements, sometimes modifying them to meet local needs or issues. The AAFCO model pet food regulations have become the *de facto* national program for regulating the marketing of pet foods. While this current regulation primarily controls the formulation, distribution and labeling of dog and cat foods, there are also safety components, since ingredients used in animal feeds must be defined by AAFCO. Part of the AAFCO definition process is a review of the ingredients safety and utility as determined by FDA's Center for Veterinary Medicine's Division of Animal Feeds.

Most states participate in partnership with FDA. States use the overarching authorities of FDA to inspect and investigate feed manufacturers:

- for compliance with the medicated feed Good Manufacturing Practices (GMPs),

- for compliance with the (Bovine Spongiform Encephalopathy) BSE feed ban to prevent the establishment and amplification of BSE in the US cattle herd,
- and for incidents of feed adulteration.

Thirty five states currently have formal agreements with FDA to inspect feed manufacturers using the highest risk category of feed additives (Type A / Category II drugs) and those manufacturers and animal production sites that provide feeds for ruminant animals. FDA furnishes training and other support items, while states provide the manpower and coordination.

In addition, FDA supports AAFCO and state programs through its scientific review activities, providing guidance and insight into technically sensitive issues. This guidance may include review of product labeling to determine suitability. FDA also provides additional support to states in the evaluation of label claims that may have health effects other than nutrition.

Since the connection of animal feeds to BSE, AAFCO has directed its focus to the safety of animal feeds and the potential effect that unsafe feeds may have on human and animal health. The current system, with the exception of

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medicated feed regulations, is focused primarily on post production controls, such as: labeling, licensing and marketing. However, AAFCO has identified gaps in this system. These gaps and their related risks would be best managed through controls on the processes used to produce, and distribute animal feed and feed ingredients wherever they occur.

AAFCO has been working on their Model Feed Safety Program for several years. The intent of this Model Program is to provide regulatory direction and oversight for all manufacturers of animal feeds, including: ingredient processors, livestock feed and, pet food manufacturers and manufacturers of feeds on-farm. AAFCO's initial step was to encourage the production of safe feed by:

- providing guidance to industry through a framework of best business practices;
- and supporting industry developed and implemented Quality Assurance programs.

However, AAFCO feels that this guidance and self-regulation process has not been fully adopted nor has it shown results indicating our goal was accomplished. Consequently, AAFCO has chosen to develop model

process control regulations, which could be adopted and enforced by states.

The areas addressed by the process controls include procedures to manage:

- the receipt and storage of ingredients,
- responsibilities and training of personnel,
- ingredient processing,
- suitability and maintenance of facilities and equipment,
- storage of finished products,
- testing of ingredients and finished products for contaminants and quality, and
- the transportation and distribution of both ingredients and finished feed products.

These regulations would be enforced through product testing and facility and record inspections by the state authority.

It would be pure speculation to say that process controls would have prevented this terrible incident from happening. However, the intent of such process controls, as proposed by AAFCO, would be to do just that. The pet food industry and animal feed industry, as a whole, are quality conscious and very responsive to known hazards. More needs to be done to identify

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the potential hazards, reduce their impact and still provide affordable feeds and foods.

The *status quo* will not provide the security upon which our citizens rely.

The reestablishment of consumer confidence is not going to happen overnight and will take great efforts by both industry and those charged with their oversight. I encourage you to support FDA and their state partners by ensuring that the necessary controls are developed, implemented and enforced.

Thank you.