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**FEED MILLING AND FEED MANAGEMENT CRITICAL ISSUES – A STATE
FEED CONTROL OFFICIAL’S PERSPECTIVE**

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INTRODUCTION

The Association of American Feed Control Officials (AAFCO) has developed a very comprehensive set of model regulations that most states have adopted. States attempt to enforce the current model regulations, published each year in the *Official Publication*, even when their state regulations may not contain the most recent provisions. The ultimate goal for a state feed control official is to provide uniform regulatory requirements under the umbrella of model regulations. However, several states do have policies, laws, and regulations that differ slightly from the rest of the states.

The regulation of animal feeds in Kentucky includes the oversight of a broad scope of commercial animal feeds that includes not only commercial livestock feeds and feed ingredients, but also large and small package feeds for dogs, cats, and specialty pets (e.g., hamsters, tropical fish, caged song birds, horses, rabbits, and wild birds). The purpose of regulations or more specifically what is gained by the regulatory and enforcement activities are consumer protection, food safety, and hopefully truthful labeling.

To accomplish this task, five basic tools are generally employed by the University of Kentucky's Division of Regulatory Services and its inspection staff. The five tasks include: 1) Licensing of both in-state and out-of-state firms distributing commercial feeds in or into Kentucky; 2) Label review to make sure products are properly labeled to give all the necessary information to effectively

and safely use the feed products; 3) Overview and inspection of manufacturing facilities to ensure feeds are manufactured using good manufacturing practices; 4) Sampling and analysis of feeds being distributed to make sure they meet label guarantees; and 5) Regulatory enforcement by applying appropriate regulatory actions when products are found to be misbranded or adulterated.

AFFCO UPDATE

As a member of the feed manufacturing, ingredient definitions, and feed labeling committees along with my duties as the animal product investigator I have had the opportunity to be active in activities associated with AAFCO. My activities within the organization have afforded me the opportunity to keep abreast with the current issues and concerns state feed control officials have been encountering. The following information is a brief synopsis of the current happenings and policies adopted by AAFCO that might have an effect on the poultry industry, feed suppliers, and feed manufacturers.

Definition of Natural

At the 2001 August meeting, AAFCO adopted the definition for the feed term "Natural". The accepted definition of natural as defined, in the *2002 Official Publication*, is a feed or ingredient derived solely from plant, animal or mined sources, either in its unprocessed state or having been subject to physical processing, heat processing, rendering, purification, extraction, hydrolysis,

enzymolysis or fermentation, but not having been produced by or subject to a chemically synthetic process and not containing any additives or processing aids that are chemically synthetic except in amounts as might occur unavoidably in good manufacturing practices.

AAFCO recommends and supports the following guidelines for use of the term “natural” in the labeling of commercial feeds, pet foods, and specialty pet foods:

1. In the AAFCO-defined feed term “natural,” the use of the term “natural” is only acceptable in reference to the product as a whole when all of the ingredients and components of ingredients meet the definition.
2. In the definition, the use of the term “natural” is false and misleading if any chemically synthesized ingredients are present in the product; however, AAFCO recommends that exceptions be made in the cases when chemically synthesized vitamins, minerals, or other trace nutrients are present as ingredients in the product, provided that the product is not a dietary supplement and that a disclaimer is used to inform the consumer that the vitamins, minerals or other trace minerals are not natural.

AAFCO recommends that an acceptable use of the disclaimer would be stated as follows on the product labeling:

- a. The disclaimer, such as “Natural with added vitamins, minerals, and other trace nutrients (include the items as appropriate to match the chemically synthesized ingredient(s)),” is juxtaposed with the term “natural”; and

b. The disclaimer appears with the largest or most prominent use of the term “natural” on each panel of the label on which the term appears, in the same style and color print and at least one-half the size of the term “natural”; and
c. All other ingredients and components of ingredients in the product meet the definition of the AAFCO-approved feed term “natural.”

3. If the disclaimer that is juxtaposed with the term “natural” is used only to identify in generic terms those vitamins, minerals and other trace nutrients which are not natural, AAFCO recommends that the disclaimer should not be construed as a nutrient claim which would warrant vitamin and mineral guarantees. However, if the disclaimer makes reference to a specific nutrient (e.g., “with added calcium”), a guarantee would be warranted.

4. AAFCO also recommend that exceptions be made when the term “natural” is used only in reference to a specific ingredient (e.g., “natural cheese flavor”), even though the product as a whole may not meet the definition of the AAFCO-defined feed term “natural,” and that the reference does not imply that the product as whole is “natural”.

At first glance one might think the natural definition would not have much of an impact on feed manufacturers or ingredients suppliers involved with the poultry industry; however, if a company is going to market feeds as “natural”, then this definition will indeed have a major impact. For example, how can a feed meet the definition of natural if it contains a chemical preservative, such as

ethoxyquin. This preservative would not fall under the guidelines adopted by AAFCO; therefore, the feed could not be referred to as “all natural” or even natural. One must also consider pellet binders, processing aids, and other feed additives that have been shown to increase feed mill productivity or animal performance as to their ability to meet the natural definition. State feed control officials are going to take an extended look at labeling and or other product information to ensure compliance with the definition.

Organic

The other feed term debate within AAFCO is the term “organic”. No organic feed term has been approved by AAFCO; therefore, little guidance for its use is in effect. The only guidelines in print are those published by the National Organic Standards Board (NOSB). In recent correspondence, NOSB ruled that the organic standards would apply to pet foods and feed for non-food producing companion animals. Until this ruling, it was not clearly evident in the published final rule if they would be covered. A company or ingredient supplier can now reasonably expect regulatory officials to increase their awareness with regard to its use.

Novel Ingredients

Due to an increased consumer demand and attention, an increasing number of companies have introduced a plethora of animal supplements and other

products to the marketplace that have not been approved by a regulatory body. These products are commonly referred to as nutraceuticals, novel ingredients, herbs and botanicals, and functional foods are intended to supplement the animal's diet without being recognized as being an essential nutrient for sound animal nutrition. The list of supplements that manufacturers have attempted to market includes ingredients such as glucosamine, chondroitin, various herbs as well as numerous other substances. Keep in mind, even if a definition is approved for an ingredient, it still does not permit claims as to the product's use for therapeutic or drug-type purposes to appear on its label. These supplements come in various forms and they closely mirror those targeted and marketed for human use.

Ingredient Definition Process

Regulatory officials and manufactures have a variety of procedures to gain approval for a given substance in commercial animal feeds. These include food additive petitions, Generally Recognized as Safe status, new animal drug approvals through FDA, or recognition by AFFCO and published in the Official Publication. As to be expected, the ingredient definition process can be very deliberate, arduous, and time-consuming. Commercial feeds cannot contain feed ingredients that are not approved or defined by a regulatory body. Therefore, it is in the best interest of all for the control officials to encourage manufacturers to pursue approvals before marketing begins.

One of the more viable means for gaining approval of a feed ingredient is the AAFCO Ingredient Definition process whereby an industry representative submits information to the appropriate AAFCO ingredient investigator. It is then the responsibility of the investigator to review all information submitted by the sponsor and forward it on to FDA for further review. If and when a FDA letter of no objection is issued, the ingredient definition is usually forwarded on to the ingredients definition committee for additional review. If accepted by the IDC the definition is forwarded on to the AAFCO board of directors and AAFCO membership for action.

Enforcement of Non-Approved Ingredients

AAFCO has been developed a plan to regulate products containing "novel ingredients". At the January 2002 Mid-year Meeting, the AAFCO Enforcement Strategy for Marketed Ingredients Working Group (ESMI) unveiled a plan to promote enforcement activities. The ESMI Group cited an increasing number of unapproved or undefined ingredients appearing in animal feed and pet food as well as "growing concerns about consumer protection, protection of animal health, and food safety" as the reason behind taking a more active role in enforcement.

The strategy encompasses a broad range of goals. The five goals outlined ESMI Working Group are as follows: 1) Increased consumer awareness; 2) Minimized availability of unapproved feed ingredients; 3) A uniform regulatory

approach for animal feeds; 4) Assessment of the success of the enforcement strategy; and 5) A level playing field with fair competition among the feed industry.

AFFCO in cooperation with FDA have planned to coordinate a uniform enforcement event in which products containing ingredients deemed unsafe or otherwise unapproved will be targeted for enforcement activity. The targeted ingredient might include products in the conventional marketplace, advertised in catalogs or sold via the Internet. However, it is important to note regulatory enforcement can be used to regulate any illegally marketed unapproved ingredient at any time.

Enforcement of Commercial Feed Regulations

The most effective enforcement tool a state feed control official has is voluntary compliance. However, many factors are involved in achieving voluntary compliance. The following are the philosophies and approaches explored and most often mentioned as being effective by the current Director of the Division of Regulatory Services, Eli Miller. First, the regulations must be clear and understandable for industry to comply and regulators to uniformly enforce. Secondly, the ability of the feed control official to work with the industry to achieve the mutually desired goal of compliance with requirements is crucial. Voluntary compliance is enhanced by a good working relationship between industry and the regulatory agency. Finally, the regulated industry must make a

conscientious effort to comply and be responsive to issues. Failure to respond or a half-hearted response causes many frustrations and uses up limited regulatory time to follow up. More importantly, it signals that the manufacturer ignored the issue or took the violation lightly and did not take appropriate action to address the problem, which forces the agency to seek compliance by sanctions against the firm.

Best Management Practices for All Feed and Ingredients

Recently, AAFCO approved the “Best Management Practices” concept and support for development of model good manufacturing practice regulations for all feed and feed ingredients. AAFCO proposes states seek authority to regulate all manufacturers under the same uniform format. The development of a checklist is underway to assist in use of the guidance document.

As indicated in the preamble, the Best Management Practices document provides guidance and framework to respective segments of the industry for developing and implementing “best management practices” for the manufacturing, packaging and distribution of animal feeds and feed ingredients. The document was designed to reflect the condition of manufacturing currently accepted and generally practiced by the industry, and provides flexibility to manufacturers to develop specific procedures that work best for their individual operation. This guidance/framework document is designed to be an educational tool that can be used by feed regulatory officials, as part of ongoing inspection

and education programs. Industry trade associations can use it as part of their model quality-assurance programs. Furthermore, individual companies engaged in the manufacturing, packaging and/or distribution of animal feed and feed ingredients, can use it as a starting point for developing their own company-specific “best management practices.”

Conclusion

No matter what enforcement technique is employed by a regulatory agency, it is always in the best interest of both parties to maintain an effective and open channel of communication. Communication should serve as the principle for initial enforcement. Yet, for some companies it is necessary to get their full attention in order to achieve compliance. Therefore, I would like to part with this final comment. It is always best to get aquatinted with your state regulatory official before there is a problem, rather than after a problem has been noted and enforcement action is eminent.