

National Grain and Feed Association

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January 10, 2008

Board of Directors
Association of American Feed Control Officials
P.O. Box 478
Oxford, IN 47971

Dear AAFCO Board:

The undersigned feed and feed ingredient organizations express major disappointment, disagreement and concern over the decision to establish a task force within the Association of American Feed Control Officials (AAFCO) to create a voluntary hazard analysis and critical control point (HACCP) standard for the feed industry.

This is not a position we take lightly, given the longstanding constructive involvement in AAFCO of each of our organizations and our respective industry advisors, during which we consistently have sought to work cooperatively with AAFCO to achieve mutually shared goals to further enhance feed safety.

Our concerns about this matter are three-fold:

- First, we believe strongly that the process used to determine that this extremely significant policy priority would be pursued lacks the transparency required of a member-driven organization like AAFCO, and is contrary to its founding principles and regulatory philosophy. To our knowledge, the proposal by Dr. Tim Herrman to establish a task force to develop a HACCP standard for feed was presented in secret during a closed meeting of the AAFCO Board of Directors at the conclusion of its August 2007 meeting in Grand Rapids, MI. To this day, industry advisors and, to the best of our knowledge, the AAFCO membership, have not been formally notified – nor been given the opportunity to discuss and provide input on the merits – of this significant policy initiative.

That is in direct contravention of AAFCO's Purpose and Function, which cites as the "foremost cornerstone" of AAFCO its "*ability to provide a forum for people with common interests to express their opinions....*" AAFCO's Purpose and Function, among other things, also states that: "*When making decisions, AAFCO acts as a deliberative body formulating policy through a series of discussions and votes, thus eliminating rash decisions being made.... A deliberative body cannot construct the best policy unless information is received from all quarters and therefore, the AAFCO forum allows for input from any interested party....*" The process also conflicts with AAFCO's Regulatory Philosophy that long has embodied the principle that, "*[n]o social or economic piece of legislation can effectively be enforced unless it is viewed and supported with some sympathy and understanding by the responsible members of the regulated industries.*"

- Second, we do not believe AAFCO is the appropriate body for developing a HACCP standard – voluntary or otherwise – for the feed industry. Indeed, AAFCO itself on at least three previous occasions – in the mid-1990s, and again in 2003 and 2005 – discussed and subsequently determined that it is ill-equipped to conduct science- and risk-based determinations of feed hazards or to develop process-control (HACCP) standards for the feed industry. During these discussions, which occurred within the AAFCO Feed Manufacturing Committee and its predecessor committee, AAFCO members themselves rendered the view that AAFCO did not possess the scientific expertise, statutory authority or resources necessary to evaluate various "hazards" that might be present in feed and feed ingredients, and their impact on human or animal health – a necessary predicate to any HACCP standard, be it voluntary or regulatory. Further, as an aside, our organizations strongly oppose the development of a HACCP regulatory standard, and are concerned that a voluntary standard could "morph" into just such a regulation.

During these previous AAFCO deliberations, the AAFCO membership determined that the U.S. Food and Drug Administration (FDA) was in the best position to conduct the science- and risk-based analysis necessary to evaluate feed safety hazards. FDA currently is doing just that in a methodical manner through its Animal Feed Safety System (AFSS) initiative, and has announced its intent to propose regulations in 2008 based upon its findings. Thus, at best, it also is premature and redundant for AAFCO to authorize the development of a HACCP standard for the feed industry.

We urge AAFCO to instead focus its efforts on finalizing its Model Regulations for Feed and Feed Ingredients so that they may be adopted by the AAFCO membership at the earliest possible opportunity.

- Third, even if this initiative had merit and had been fully vetted and approved by the AAFCO membership – which has **not** occurred – we believe the task force, as constituted by Dr. Herrman, does not reflect the necessary breadth of the feed industry. We understand that Dr. Herrman believes that HACCP should identify

critical control points that solely address hazards that directly affect human health. However, the incidents in 2007 involving contamination of wheat gluten with melamine and related compounds – and the degree to which that contamination spread into human food products (e.g., poultry, pork and seafood) – demonstrate the degree to which all sectors of the animal feed industry potentially need to be involved if any such initiative is pursued. Given this, the decision to expressly exclude Pet Food Institute and potentially other stakeholders from the task force’s deliberations is misguided. We respectfully submit that *if* the AAFCO membership – after full and open discussion and deliberation – takes formal action to pursue this initiative, PFI and other AAFCO-participating industry organizations whose expertise would be beneficial should be invited to participate.

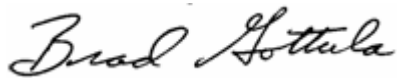
To address these and other concerns, we urge the AAFCO Board, at a minimum, to suspend immediately the deliberations and activities of the task force pending the outcome of a full and open discussion of this matter at a public general session involving AAFCO members, industry advisors and other attendees. In our view, including this issue as a presentation topic by Dr. Herrman as one of several agenda items during the busy Feed Manufacturing Committee meeting in January is insufficient, and does not provide adequate time for interaction, deliberation and contemplation. Indeed, we believe AAFCO needs to provide – prior to any such session – the necessary background to participants on the history of its previous consideration of HACCP-based approaches, and the reasons such approaches have been rejected so that AAFCO members can make an informed decision on the matter.

In closing, we want to emphasize that the involvement to date of any of the undersigned industry organizations in the HACCP task force’s deliberations should not be construed by AAFCO to represent support for this effort. Rather, it represents the only method that industry has been given thus far by AAFCO to keep abreast of these developments.

We appreciate your consideration of our views.

Sincerely,

On Behalf of National Grain and Feed Association:

A handwritten signature in cursive script that reads "Brad Gottula".

Brad Gottula, Chairman
Feed Legislative and Regulatory Affairs Committee
National Grain and Feed Association



Randall C. Gordon
Vice President, Communications and Government Relations
National Grain and Feed Association

On Behalf of National Oilseed Processors Association:



David C. Ailor
Vice President, Regulatory Affairs
National Oilseed Processors Association

On Behalf of Pet Food Institute:



Nancy K. Cook
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