

# National Association of State Departments of Agriculture



## Subject of Emerging Issue:

Regulation of Pet Food

## Submitted by:

Commissioner Charlie Hatcher, Tennessee, Chair, Animal Agriculture Policy Committee

Secretary Mike Naig, Iowa, Vice Chair, Animal Agriculture Policy Committee

## Corresponding Policy Section & Statement:

4.3 Roles and Responsibilities: Federal Preemption

## Text of Emerging Issue:

### Amending Section 4.3 Roles & Responsibilities: Federal Preemption:

Federal preemption of state food **and companion animal pet food and specialty pet food** regulation under the Federal Food, Drug, and Cosmetic Act should not be allowed. States should retain the right to regulate the food supply in a manner at least equal to or greater than federal standards and have the authority to regulate food products and food handling establishments not regulated by the federal government. The effect of federal preemption is to take away states' authority to impose requirements to ensure the safety of the food, drug, and cosmetic supply. States would not be able to impose stricter food safety standards than the federal government.

### New Policy Section Subheading: Section 4.3: State Pet Food Programs

- NASDA supports FDA codifying pet food labeling as a Federal Rule and/or law that allows for a national rule on pet food and specialty pet food labeling.
- NASDA encourages the FDA to work with AAFCO, states, and industries to align the FDA rules with the Pet Food Labeling Modernization recently approved by AAFCO.

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- NASDA supports the FDA Center for Veterinary Medicine (CVM), holding primary authority and responsibility for science-based approval of pet food and specialty pet food labels.
  - NASDA supports the authority of states to adopt federal pet food labeling rules and regulations.
  - NASDA supports the authority of state departments of agriculture and state feed programs to follow up on consumer complaints, inspect, test, sample, and verify the ingredients and contents of pet food and specialty pet food compared to the nutrition label of such products.
  - NASDA supports the authority and ability of state departments of agriculture and state feed programs to consult with FDA-CVM on resolving technical issues.
- NASDA supports the authority of state feed programs to require licensing, registration, and/or tonnage fees for pet food and specialty pet food products.
- NASDA supports appropriate funding to FDA-CVM for the implementation of new authority over pet food and specialty pet food labels.

**Adopted:** 3/12/2024