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NMPF Asks FDA to Rewrite Draft Animal Feed Regulation *Rule Exceeds the Intent of Congress, Dairy Farmer Group Says*

ARLINGTON, VA – The National Milk Producers Federation has asked the Food and Drug Administration to rewrite a draft livestock feed regulation, saying the agency went beyond the intent of Congress by seeking to impose requirements that will not make animal feed safer.

In comments sent to the agency Monday, NMPF asked FDA to substantially revise the regulation and requested the agency establish a new round of comments from industry and the public. "FDA has the authority to re-propose the regulation and still comply with (a) court-ordered deadline to publish a final rule by August 30, 2015," NMPF said. NMPF made the request in two sets of comments, [one focused on dairy plant safety](#) and [the other addressing animal feed](#).

The draft regulations were issued under the Food Safety Modernization Act (FSMA), which gave the FDA broad new authority to regulate food. NMPF said it supports efforts to implement the 2010 law, but believes that the draft animal feed regulation goes too far, particularly because it would make it harder to use brewers' grain as animal feed, a practice in use for hundreds of years.

Among other things, NMPF, the Washington voice of more than 32,000 dairy producers, said the draft regulation incorrectly imposes safety standards on animal feed that are similar to those for human food. The proposed regulation incorrectly establishes manufacturing standards that equate animal feed and human food. "The innate hygienic standards of humans exceed the hygienic standards of livestock," the organization said. It asked FDA to propose manufacturing standards specific to animal feed.

The proposed regulation also unnecessarily regulates by-products from brewing when they are used in animal feed, even though there is no public health risk associated with these products. This "will result in unnecessary increased costs to dairy producers," NMPF said. It joined the Beer Institute and the American Malting Barley Association in requesting FDA use the existing authority in the FSMA to exempt animal feed products made during the production of alcoholic beverages.

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In separate comments submitted jointly with the International Dairy Foods Association, NMPF also identified unnecessary and duplicative requirements for dairy processing plants which may divert some food production materials such as cheese trim and liquid whey to animal feed. These plants are already subject to FSMA requirements for human food production. NMPF stated the proposed standards “do not reflect the inherent differences between foods for human and animal consumption” for diverted food production materials and requested regulatory relief for these dairy processing plants.

With the substantial changes requested, NMPF asked FDA to conform the regulations with the intent of the FSMA and issue a new draft. “Given the very significant nature of these regulations, a second opportunity for stakeholders comment is essential to ensure the final rule is practical, achievable and fosters the safe production and distribution of animal feed,” NMPF said.

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The National Milk Producers Federation, based in Arlington, VA, develops and carries out policies that advance the well-being of dairy producers and the cooperatives they own. The members of NMPF’s cooperatives produce the majority of the U.S. milk supply, making NMPF the voice of more than 32,000 dairy producers on Capitol Hill and with government agencies. Visit www.nmpf.org for more information.