

March 8, 2022

Via Electronic Submission

Division of Dockets Management  
Food and Drug Administration  
Department of Health and Human Services  
5630 Fishers Lane, Room 1061 (HFA-305) Rockville, MD 20852

Re: Citizen Petition- Asking FDA-CVM To Post On The Federal Register, The Ingredient Definition For The Animal Feed/Pet Food Ingredient Term “chicken meal”, In Compliance With § 553 of the Administrative Procedure Act.

To whom it may concern:

The undersigned submits this petition under both the Federal Food, Drug, and Cosmetic Act (the Act), and § 553 of the Administrative Procedure Act (5 U.S.C. Subchapter II), and in accordance with 21 C.F.R. § 10.30(b), to request the FDA-CVM to post on the federal register, the ingredient definition for animal feed/pet food ingredient term “chicken meal”.

## **A. Action Requested**

Petition requests FDA-CVM to comply with, § 553 of the Administrative Procedure Act, and publish the ingredient definition for the animal feed/pet food ingredient “chicken meal” on the federal register.

## **B. Statement of Grounds**

“Chicken meal” is an ingredient FDA allows to be used in animal feed and pet food products under FDA regulatory jurisdiction.

On March 31, 2021, I requested via FOIA “I am requesting records from FDA-CVM for the FDA regulation for the ingredient “chicken meal” (for use in animal feed and pet foods)”. FDA-CVM stated in response, “As we have mentioned in our previous correspondence to you, FDA does not have any regulations defining any of these ingredients/terms for use in animal food.” However, “chicken meal” is an ingredient FDA-CVM has approved for use in animal feed and pet food products, even though the regulation doesn’t appear on the federal register as required by § 553 of the Administrative Procedure Act.

On December 7, 2021, I again requested via FOIA “I am requesting the record or records from FDA-CVM for the definition for the ingredient “chicken meal” (for use in animal feed and pet foods). This ingredient definition is not available on the federal register. This ingredient definition is also not available anywhere on FDA's website.” *As of the date of this citizen petition submission, FDA-CVM has not complied with my FOIA request and has violated FOIA.*

Via MOU-225-07-7001, FDA-CVM considers the definition for “Chicken meal” to be a federal regulation for FDA regulated products. However, FDA-CVM refuses to comply with § 553 of the Administrative Procedure Act and publish this ingredient term and definition on the federal register. MOU-225-07-7001 doesn’t shield FDA-CVM from federal requirements of § 553 of the Administrative Procedure Act, and FDA-CVM must immediately post this animal feed/pet food ingredient on the federal register.

**C. Environmental Impact** A claim for categorical exclusion of the requirement for submission of an environmental assessment or environmental impact statement is made pursuant to 21 C.F.R. §§ 25.30 and 25.34.

**D. Economic Impact** In accordance with 21 C.F.R. § 10.30(b), economic impact information is to be submitted only when requested by FDA following review of the petition. The undersigned will promptly provide this information if requested.

## **E. Certification**

The undersigned certifies, that, to the best knowledge and belief of the undersigned, this petition includes all information and views on which the petition relies, and that it includes representative data and information known to the petitioner which are unfavorable to the petition.

*Donavan Melton*

Donavan Melton (Mar 7, 2022 09:19 CST)

Donavan Melton

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