

January 10, 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 Hold PUBLIC Meetings For Animal Feed
Ingredient Regulations, And Withdraw MOU 225-07-7001 With AAFCO

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 pursuant to 21 C.F.R. §§ 25.30 and 25.34 and 21 C.F.R. § 10.30(b), to request the FDA-CVM to withdraw MOU 225-07-7001.

A. Action Requested

Petition requests FDA-CVM to withdraw MOU 225-07-7001, an agreement between FDA and private corporation AAFCO. Instead, FDA should develop animal feed terms and definitions publicly and in compliance with §553 of the Administrative Procedure Act.

B. Statement of Grounds

FDA is a federal agency that should be promulgating regulations for pet food ingredients in compliance with §553 of the Administrative Procedure Act. FDA instead continuously and routinely participates in private meetings, at least twice per year, at a private corporation called AAFCO. This “private corporation” is where FDA works with other regulatory partners, specifically “state partners”, and assists those state partners in the process of creating official definitions for animal feed ingredients that FDA fully intends to “recognize” as acceptable for use in pet food products in interstate commerce. Via MOU 225-07-7001, FDA “recognizes” the “official definitions” of AAFCO. When FDA “accepts” these pet food ingredients at the federal level that it helped develop in private at this private corporation, FDA is violating §553 of the Administrative Procedure Act.

FDA has stated that they have no plans to hold public regulatory meetings to develop pet food regulations. Instead, FDA plans to continue to “recognize” ingredients developed in private at this private corporation, AAFCO.

I request FDA to immediately withdraw from MOU 225-07-7001, and instead start holding PUBLIC meetings where regulations for animal feed and pet food ingredients are developed publicly, in compliance with § 553 of the Administrative Procedure Act.

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.


Krysta Fox (Jan 10, 2022 13:24 CST)

Krysta Fox

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Citizen and Stakeholder

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