June 28, 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 Answer The Two Outstanding Questions Made In May 2022 In Relation To Avian Influenza Poultry Being Used As Ingredients In Pet Food Products Under FDA Regulatory Jurisdiction

To whom it may concern:

The undersigned submits this petition under both the Federal Food, Drug, and Cosmetic Act (the Act), § 553 of the Administrative Procedure Act., and in accordance with 21 C.F.R. § 10.30(b), to request the FDA-CVM to answer the two outstanding questions made in May 2022 in relation to avian influenza poultry being used as ingredients in pet food products under FDA regulatory jurisdiction

A. Action Requested

Petition requests FDA-CVM to take action and answer these questions, which FDA-CVM has failed to via their anonymous askcvm email address.

The undersigned submits this petition under both the Federal Food, Drug, and Cosmetic Act (the Act), § 553 of the Administrative Procedure Act., and in accordance with 21 C.F.R. § 10.30(b), to request the FDA-CVM to clarify the two outstanding questions made in May 2022 in relation to avian influenza poultry being used as ingredients in pet food products under FDA regulatory jurisdiction.

B. Statement of Grounds

FDA-CVM employees do not care about being fully transparent with the American people. FDA-CVM employees refuse to hold regular public meetings so citizens can be engaged in the rulemaking process for pet food ingredients, and instead the agency engages in a privatized rulemaking process that eliminates rights given to citizens via the administrative procedures act. FDA-CVM also refuses to hold public meetings that would allow citizens to actually ask questions to FDA-CVM employees, and receive real time answers from those employees. It could be that the intelligence of many FDA-CVM employees would be fully exposed if these types of meetings were to happen. Many people would probably be shocked that some of the people employed by FDA-CVM are the people “regulating” the animal feed and pet food industries.

FDA-CVM often makes vague statements, such as claims the agency has “limited resources” and therefore can not engage in regular public rulemaking for animal feed (pet food) ingredients. Interestingly in budget requests to congress, FDA-CVM never asks congress for additional funds to actually resolve the “limited resource” issue the agency proclaims to have.

It could be that the agency simply doesn't want to do that type of work. Or it could very well be that engaging in actual rulemaking may make it more difficult for major conglomerate companies to recycle trash into “pet food” packages, and market the material to the end consumers using human grade pictures.

All of that aside, FDA-CVM often touts that citizens should write their "askcvm" email address with questions and concerns. Even still, FDA-CVM is failing citizens on very basic issues of concern when it comes to their regulatory oversight of pet food and animal feed. The agency often ignores basic questions asked via this email address they're instructed to write!

Speaking of trash being recycled back into pet food and animal feed products…

It is being reported that in mid-May 2022, FDA-CVM was asked if the agency has given approval for rendered avian influenza poultry to be used in pet food. FDA-CVM was also asked if they believe pet food labels should disclose this information to consumers.

It is being reported that FDA-CVM has not provided responses to those very important questions. I am interested in FDA's response on these outstanding questions as well.

I now request FDA-CVM provide me an official answer to both of these questions in response to my petition submitted today.

- Has FDA-CVM given approval for rendered avian influenza poultry to be used in pet food?
- Does FDA-CVM believe pet food labels should disclose this information to consumers?

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.

(b) (6)

36 CDT)

Harry Duty
Citizen & Stakeholder

(b) (6)