March 22, 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 Take Public Comments For Animal Feed Ingredient "Corn Protein Meal", In Compliance With § 553 of the Administrative Procedure Act, Prior To FDA-CVM Recognizing This Ingredient As Acceptable For Use In Animal Feeds Federally

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 Open Animal Feed Ingredient "Corn Protein Meal" For Public Comment, In Compliance With § 553 of the Administrative Procedure Act, Prior To FDA-CVM Recognizing This Ingredient As Acceptable For Use In Animal Feeds Federally

A. Action Requested

Petition requests FDA-CVM to open the regulatory term "corn protein meal" for public comment as required by § 553 of the Administrative Procedure Act, and in accordance with 21 C.F.R. § 10.30(b).

B. Statement of Grounds

FDA-CVM employees continue their policy making in private. Today, FDA-CVM has engaged in rulemaking functions in relation to an animal feed ingredient term "corn protein meal." On March 22, 2022, FDA-CVM employees Charlotte Conway and Dave Edwards engaged in rulemaking functions via a private corporation AAFCO, but not in compliance with § 553 of the Administrative Procedure Act, even though FDA-CVM employees fully intend to accept this term federally for use in animal feed ingredients.

FDA-CVM employees Charlotte Conway and Dave Edwards performed this rulemaking work for this ingredient definition in private, while being paid by FDA-CVM, and while acting in their official job positions for the agency.

My right under § 553 of the Administrative Procedure Act, to make a public comment on this ingredient definition prior to FDA-CVM accepting this term and allowing for the ingredient's use in animal feed ingredients, has been violated by FDA-CVM.

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.

Harry Duty
U.S. Citizen, Consumer, & Stakeholder
(b) (6)
[redacted]